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TITLE 3—THE PRESIDENT EXECUTIVE ORDER 9889

RESTRICTING COMPETITION TO VETERANS IN EXAMINATION FOR THE POSITION OF SUB- STITUTE RAILWAY POSTAL CLERK

By virtue of the authority vested in me by the statutes, including section 2 of the Civil Service Act (22 Stat. 403), the Veterans' Preference Act of 1944, approved June 27, 1944 (58 Stat. 387), and section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), it is hereby ordered as follows:

In civil service examinations for the position of Substitute Railway Postal Clerk competition shall be restricted, until July 25, 1952, to persons entitled to preference under the said Veterans' Preference Act of 1944, as long as persons entitled to preference are available: *Provided, however*, that for purposes of classification application for examination may be accepted by the Civil Service Commission from any person who has been serving in such position continuously since the date of this order under an appointment not limited to one year or less, and the Commission is authorized to confer a competitive civil service status or a probational status upon any such employee who qualifies in the examination for classification: *And provided further*, that in no event shall any person not entitled to preference under the Veterans' Preference Act of 1944 be granted a competitive civil service status or a probational status under this order (1) unless he is recommended for this purpose by the Postmaster General and (2) until all preference eligibles who have the same or a higher rating in the examination have been appointed or have been given consideration in accordance with the Veterans' Preference Act of 1944.

Incumbents of positions to which this order is applicable who do not have a competitive status and who fail to qualify for a competitive civil service status or a probational status under this order shall be replaced by selection from the competitive register in accordance with regulations prescribed by the Civil Service Commission.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 28, 1947.

[F. R. Doc. 47-8159; Filed, Aug. 29, 1947;
11:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

RESTRICTION OF COMPETITION TO VETERANS IN EXAMINATION FOR SUBSTITUTE RAILWAY POSTAL CLERK

CROSS REFERENCE: For an addition to the list contained in § 2.102 (b) of positions for which examinations have been restricted to veterans, see Executive Order 9889, *supra*, with regard to the position of substitute railway postal clerk.

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 565]

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY REGULATIONS MODIFIED

The following administrative instructions lift all permit requirements relative to interstate movement of regulated citrus fruits from the area regulated on account of the Mexican fruitfly until notice is given that, as a result of inspections and surveys, it has been determined that the status of fruitfly infestations in regulated areas makes it necessary to order the resumption of such requirements. Since intensive inspections over a number of years have shown that infestations do not occur during the early part of the harvesting and shipping season, it is believed unnecessary to maintain the permit requirements during that period.

The purpose of this action is thus to relieve commerce in citrus fruits from a burdensome requirement which must be observed during most of the calendar year. In order to be of maximum benefit to the public, the relief from these restrictions must be made effective as soon as possible. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found, upon good cause, that notice and public procedure on this or-

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der are unnecessary, impracticable, and contrary to the public interest, and good cause is found for the issuance of this order effective less than 30 days after publication.

§ 301.64-3e *Administrative instructions lifting permit requirements for interstate movement of citrus fruits until further notice.* The Chief of the Bureau of Entomology and Plant Quarantine, having determined that natural conditions exist with respect to the area regulated by 7 CFR, 1945 Supp., 301.64-2 (Notice of Quarantine No. 64 on account of the Mexican fruitfly) which eliminate the risk of Mexican fruitfly infestations in regulated citrus fruits during the early part of the shipping season, hereby waives the permit requirements for interstate movement of such fruits from such regulated area, effective September 1, 1947, and until due notice of their resumption shall have been given. (Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161; 7 CFR, 1945 Supp., 301.64-3 (a))

Effective September 1, 1947.

Done at Washington, D. C., this 22d day of August 1947.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology
and Plant Quarantine.

[F. R. Doc. 47-8114; Filed, Aug. 29, 1947;
8:45 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 903—MILK IN ST. LOUIS, Mo., MARKETING AREA

ORDER, AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 903.0 *Findings and determinations—*
(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supp. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), a public hearing was held on July 17 and 18, 1947, upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area; and the decision was made, with respect to the amendment by the Secretary on August 21, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings

are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendment to said order, as amended, to give producers immediately assurance of an increased price as an incentive to increased production which is needed for the immediately approaching fall season. In view of increased costs of feed, labor, materials, and of meeting Health Department requirements, and in view of price relationships favorable to the use of feeds for other livestock enterprises, any delay in the effective date of this order, as amended, and as hereby further amended, will threaten a serious shortage of milk for the St. Louis, Missouri, marketing area. It is, therefore, impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June, 1947), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 903.4 (a) (1) and substitute therefor the following:

§ 903.4 *Minimum prices—*(a) *Class prices.*

(1) *Class I milk.* The price of Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundred-weight: \$1.35 for the delivery periods of July through December; \$1.10 for the delivery periods of January through

March; and \$0.90 for the delivery periods of April through June.

2. Delete § 903.4 (a) (2) and substitute therefor the following:

(2) *Class II milk.* The price for Class II milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: \$0.55 for the delivery periods of July through December; \$0.35 for the delivery periods of January through March; and \$0.20 for the delivery periods of April through June: *Provided*, That during any delivery period from January through June, the price of milk used by such handler for evaporated milk in hermetically sealed containers, or disposed of by such handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, shall be the average of the basic, or field, prices per hundredweight determined for the plants listed in subparagraph (3) of this paragraph.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C., 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued at Washington, D. C., this 27th day of August 1947, to be effective on and after the 1st day of September 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8113; Filed, Aug. 29, 1947; 8:45 a. m.]

PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 941.0 Findings and determinations—

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended, (7 CFR, Supp., 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held on March 5-8, and 10-12, 1947, upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area; and the decision (12 F. R. 5617) was made, with respect to the amendments, by the Secretary on August 18, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of

the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947-48. Any delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Chicago, Illinois, marketing area, and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication. (See section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers participating in a referendum on the question of approval of the order, and who,

during April 1947 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 941.4 (a) (2) and substitute therefor the following:

§ 941.4 Classification of milk—(a) Basis of classification. * * *

(2) Any milk moved as fluid milk from an approved plant to any point located outside the following area (hereinafter referred to as the "surplus milk manufacturing area") shall be classified as Class I milk and any milk moved as fluid cream, frozen cream, other cream frozen, plastic cream, or any cream product in fluid form shall be classified as Class II milk; the State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, DeKalb, Kane, Cook, DuPage, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, LaSalle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, and Shelby, in the State of Illinois; the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, LaPorte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkhart, in the State of Indiana; the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien, in the State of Michigan; and the county of Van Wert, in the State of Ohio.

2. Delete § 941.4 (a) (3) and substitute therefor the following:

(3) Any milk moved as fluid milk or fluid cream from an approved plant to an unapproved plant located within the surplus milk manufacturing area, which manufactured during the delivery period butter, cheese (except cottage cheese), evaporated milk, condensed milk, whole milk powder, or ice cream powder shall be classified under paragraph (b) of this section according to its utilization at the latter plant, as shown by adequate daily records: *Provided*, That (i) if in the unapproved plant the receipts of fluid milk or fluid cream from an approved plant are commingled with its other receipts, the receipts of the approved fluid milk shall be allocated, according to such daily records, to the available quantity of Class III milk, and any remaining balance of such receipts to the available quantities of Class IV milk, Class II milk, and Class I milk, in that sequence; and any such receipts of approved fluid cream shall be allocated in a similar manner to Class IV milk, Class III milk, Class II milk, and Class I milk, in that sequence; and (ii) if the unapproved plant does not

make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the fluid milk received from an approved plant shall be allocated to the available quantity of Class I milk, and any balance of such receipts to the available quantities of Class II milk, Class III milk, and Class IV milk, in that sequence; and the fluid cream received from an approved plant shall be allocated in a similar manner to the available quantities of Class II milk, Class III milk, Class IV milk, and Class I milk, in that sequence.

3. Delete § 941.4 (e) (3) (ii) and substitute therefor the following:

(e) *Computation of milk in each class.*

(i) * * * * *

(ii) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat contained therein); and add the results so obtained.

4. Redesignate subparagraphs (2), (3), (4), and (5) of § 941.4 (f) as subparagraphs (3), (4), (5), and (6), respectively, and add as subparagraph (2) the following:

(2) Subtract from the remaining pounds of milk in each class the pounds of milk obtained from frozen cream or from any other product that has been classified in an earlier delivery period and is reused (or utilized) in the current delivery period in such class.

5. Delete § 941.4 (b) (2) and substitute therefor the following:

(b) *Classes of utilization.* * * *

(2) Class II milk shall be all milk the butterfat from which is contained in sweet or sour cream, any fluid cream product having more than 6 percent butterfat, butter cream, frozen cream, plastic cream, eggnog, yoghurt, ice cream, ice cream mix (liquid or powder), cottage cheese, and any other milk product of composition and texture similar to any of the products named in this subparagraph; except that this definition shall not include butterfat in cream, fluid cream products, filled cream, and cottage cheese disposed of in bulk in bakeries, soup companies, and candy manufacturing establishments in their capacity as such.

6. Delete from § 941.4 (b) (4) (iii) the words "or to an unapproved plant."

7. Delete from § 941.4 (e) (6) (vi) the words "or to unapproved plants."

8. Delete paragraphs (a) and (b) of § 941.5 and substitute therefor the following:

§ 941.5 *Minimum prices*—(a) *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to subparagraphs (3)

and (4) of paragraph (b) of this section for the delivery period next preceding: *Provided*, That the basic formula price effective for July shall not be less than that effective for June and that the basic formula price effective for December shall not be higher than that effective for November.

(b) *Class prices.* Subject to the appropriate location adjustment credits, as set forth in paragraph (c) of this section, each handler, at the time and in the manner set forth in § 941.8, shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this paragraph:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, \$0.50; August, September, October, and November, \$0.90; all others, \$0.70.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, \$0.30; August, September, October, and November, \$0.50; all others, \$0.40.

(3) *Class III milk.* The price for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in subdivisions (i) and (ii) of this subparagraph and in subparagraph (4) of this paragraph.

(i) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co.:
Black Creek, Wis.
Greenville, Wis.
Mt. Pleasant, Mich.
New London, Wis.
Orfordville, Wis.
Carnation Co.:
Berlin, Wis.
Jefferson, Wis.
Chilton, Wis.
Oconomowoc, Wis.
Richland Center, Wis.
Sparta, Mich.
Pet Milk Co.:
Belleville, Wis.
Coopersville, Mich.
Hudson, Mich.
New Glarus, Wis.
Wayland, Mich.
White House Milk Co.:
Manitowoc, Wis.
West Bend, Wis.

(ii) The price per hundredweight computed from the following formula:

(a) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by 6;

(b) Add 2.4 times the average weekly prevailing prices per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin

Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(c) Divide by 7;

(d) Add 30 percent thereof; and

(e) Multiply by 3.5.

(4) *Class IV milk.* The price for Class IV milk shall be that computed from the following formula: Multiply by 3.5 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, add 20 percent thereof, and add to, or subtract from, such sum $3\frac{3}{4}$ cents for each full $\frac{1}{2}$ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. Chicago area manufacturing plants, as reported by such agency during the delivery period, is respectively above or below 5 cents: *Provided*, That for the delivery periods of March, April, May, and June "6 cents" shall be substituted for "5 cents" in such computation: *And provided further*, That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported weekly by such agency during the delivery period; and in the latter event the respective amounts "5 cents" and "6 cents" shall be increased by one cent.

9. Delete § 941.5 (c) (1) and substitute therefor the following:

§ 941.5 *Minimum prices.* * * *

(c) *Location adjustment credit to handlers.* (1) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid milk or fluid skim milk from such approved plant to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class I milk but did not move in the manner described in subdivision (i) of this subparagraph or in subparagraph (2) (i) of this paragraph, shall be 2 cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles but not more than 265 miles from the City Hall in Chicago, and 1 cent per hundredweight for each additional 15 miles or fraction thereof that such approved plant is located beyond 265 miles from the City Hall in Chicago: *Provided*, That there shall be no location adjustment credit with respect to milk classified as Class I milk pursuant to § 941.4 (b) (1) (iii): *And provided further*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

10. Add as § 941.6 (d) the following:

§ 941.6 *Application of provisions.* * * *

(d) *Butterfat in skim milk.* A handler may claim, for classification purposes pursuant to § 941.4, butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 941.3 (a) (2) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

11. Delete § 941.8 (b) and substitute thereafter the following:

§ 941.8 *Payment for milk.* * * *

(b) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) (2) of this section, each handler shall deduct per hundredweight of milk purchased or received from producers at a plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles or fraction thereof between 70 miles and 265 miles from the City Hall in Chicago, and 1 cent per hundredweight for each additional 15 miles or fraction thereof that such plant is beyond 265 miles from the City Hall in Chicago: *Provided*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

12. Insert in § 941.9 (a) following the phrase "a sum not exceeding 2 cents per hundredweight" the words, "or such lesser amount as the Secretary may prescribe," and delete from such paragraph the words "the exact sum to be determined by the market administrator, subject to review by the Secretary."

13. Delete § 941.9 (b).

14. Delete from § 941.10 (a) the words "or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary" and substitute therefor the words "or such lesser amount as the Secretary may prescribe."

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued in Washington, D. C. this 26th day of August 1947, to be effective on and after the 1st day of September 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8095; Filed, Aug. 29, 1947;
8:58 a. m.]

PART 947—MILK IN FALL RIVER, MASS.,
MARKETING AREA

Sec.

947.100 Findings and determinations.
947.101 Scope.

Sec.

947.102 Determination of normal supply for a market other than the marketing area.
947.103 Producer-handlers.
947.104 Classifications.
947.105 Payments to producers.
947.106 Administration assessment.
947.107 Reports.
947.108 Conversion factors.

AUTHORITY: §§ 947.100 to 947.108, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947; 12 F. R. 4534.

§ 947.100 *Findings and determinations.* Pursuant to the provisions of Order No. 47, as amended (12 F. R. 4986), and of the Administrative Procedure Act (60 Stat. 237), a public meeting was held at Fall River, Massachusetts, on August 22, 1947, to consider proposed amended rules and regulations to supersede the rules and regulations issued by the market administrator to effectuate the terms and provisions of said order. The data, views, and arguments presented at this meeting and all written material received on or before August 25, 1947, have been considered and it is hereby found and determined that the following rules and regulations are necessary to effectuate the terms and provisions of Order No. 47, as amended, issued by the Secretary on July 23, 1947, and made effective August 1, 1947 (12 F. R. 4986).

It is further found and determined that to defer the effective date of the said rules and regulations to a date thirty days or more after publication in the FEDERAL REGISTER would be impractical, unnecessary, and contrary to the public interest because said rules and regulations are being issued to effectuate the terms and provisions of Order No. 47 as it has been recently amended, and said rules and regulations should be made effective as soon as possible.

§ 947.101 *Scope.* Sections 947.100 to 947.108, inclusive, by the market administrator pursuant to § 947.2 (b) (3) of Order No. 47, as amended, issued by the Secretary of Agriculture, regulating the handling of milk in the Fall River, Massachusetts, marketing area, hereinafter referred to as the "order." The terms used herein shall have the same definitions as are set forth in § 947.1 of the order.

§ 947.102 *Determination of normal supply for a market other than the marketing area.* Only milk received by a handler as Class II from a plant at which no milk is received from producers and milk from dairy farmers designated for other markets shall be considered as a handler's normal supply for a market other than the marketing area pursuant to § 947.1 (f) (2) of the order. In reporting to the market administrator dairy farmers designated for other markets, such dairy farmers shall be reported individually by name, or, if a handler receives milk from a plant of a person not a handler, all of which milk the handler considers as a normal supply for a market other than the marketing area, all of the dairy farmers deliver-

ing to such plant shall be considered as dairy farmers designated for other markets if the handler reports such dairy farms to the market administrator collectively as dairy farmers designated for other markets.

§ 947.103 *Producer-handlers—(a) Qualification of producer-handlers.* A producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary:

(1) Evidence in writing on the form provided by the market administrator that the manner in which such producer-handler produces and distributes his milk is in compliance with § 947.1 (j) of the order.

(2) Evidence in writing in the delivery period during which such change occurs on the form provided by the market administrator of any change in the manner in which such producer-handler produces and distributes his milk which would effect his qualifications as a producer-handler pursuant to § 947.1 (j) of the order.

(b) *Receipts from producer-handlers.*

(1) Milk received from a producer-handler for the purpose of being processed and packaged and returned to him shall be considered as a receipt from a handler. However, any excess of receipts in bulk from a producer-handler over the quantity of processed and packaged milk returned to him during the delivery period shall be considered as a receipt from a producer.

(2) Milk received from a producer-handler with respect to which he is not considered a producer shall be considered as received from a handler.

(c) *Reports of production.* If milk of a producer-handler's production is produced on more than one farm, the amount produced on each farm shall be reported separately.

§ 947.104 *Classifications—(a) Milk from a Federal order plant.* If a handler received milk from a Federal order plant at a plant at which no milk is received from producers and transfers during the delivery period an amount of milk not in excess of the amount received from a Federal order plant during the delivery period to another handler's plant at which milk is received from producers, such milk shall be considered, for the purpose of classification, as milk from a Federal order plant.

(b) *Milk transferred to a second buyer.* Milk transferred from a handler's plant at which milk is received from producers to another handler and subsequently to the plant of a third person not a handler under the order shall be classified as Class I not to exceed the total Class I during the delivery period at the plant of the person who is not a handler.

(c) *Class II milk received from a plant at which no milk is received from producers.* Milk received by a handler as Class II from a plant at which no milk is received from producers shall be considered as other source milk and shall be classified accordingly. In case the amount of Class II remaining after the proration of allowable plant shrinkage is less than the total amount of other source milk, the milk received by a handler as Class II from a plant located in

* These rules and regulations were not filed with the Division of the Federal Register.

Maine; New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, or New York at which no milk is received from producers shall be first considered as Class II milk.

(d) *Classification of transfers and milk received completely processed and packaged.* If the amount of Class II remaining after the proration of allowable plant shrinkage and the classification of other source milk is insufficient to absorb the amount of milk received completely processed and packaged from a Federal order plant and classified as Class II according to actual use established plus the amount of milk transferred from a plant at which milk is received from producers to another handler and classified as Class II pursuant to § 947.5 (c) of the order, such remaining Class II shall be first applied to such milk received completely processed and packaged from a Federal order plant and classified as Class II according to actual use established and then to such milk transferred from a plant at which milk is received from producers to another handler and classified as Class II, and any remaining amount shall be Class I.

(e) *Class I utilization.* A handler's total Class I utilization in the marketing area during the delivery period cannot exceed the amount of Class I producer milk, including any plant gain, plus milk received from a Federal order plant and classified as Class I plus milk received from plants outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York, and classified as Class I plus Class I pursuant to paragraph (d) of this section received by such handler during the delivery period. If the computations set forth in § 947.5 (d) of the order indicate that a portion of the milk received from dairy farmers who were reported by the handler pursuant to § 947.102 hereof as dairy farmers designated for other markets was disposed of in the marketing area as Class I milk during the delivery period, all such dairy farmers designated for other markets will be considered as producers for the delivery period.

(f) *Milk which does not enter a handler's plant.* Milk which a handler takes possession of from another handler's plant and transfers directly to a third handler's plant without such milk having entered the transferring handler's plant shall be considered as a transfer from the first handler's plant to the third handler's plant.

(g) *Plant shrinkage.* The provisions of this paragraph shall apply in determining the quantity of plant shrinkage to be classified as Class II milk pursuant to § 947.5 (b) (2) (ii) of the order.

(1) Plant shrinkage shall be determined by subtracting the total of specific uses from the volume handled.

(2) Plant shrinkage can be established only if the handler keeps records adequate to establish the total of specific uses and the volume handled. If such records are not maintained or are not made available to the market administrator, or his agent, plant shrinkage cannot be established and the total quantity of milk and milk products not specifically

accounted for shall be classified as Class I.

(h) *Verification of reports.* If a handler fails or refuses to make available to the market administrator or his agent such records and facilities as the market administrator finds necessary for the verification of the information contained in reports submitted by such handler pursuant to § 947.3 of the order, all milk shall be classified as Class I except that if a quantity of milk is established as having been utilized in Class II, such classification shall be recognized to the extent of established use in Class II.

§ 947.105 *Payments to producers—*

(a) *Samples for butterfat testing.* Handlers shall take a representative sample of milk from each delivery of milk received by them from producers or from cooperative associations for butterfat testing.

(b) *Deductions.* In making payments to producers or cooperative associations pursuant to § 947.8 (a) (1) of the order, handlers shall not make deductions other than those allowed in § 947.8 (b) and (c) of the order unless such deductions are authorized in writing by the individual producer or a properly authorized cooperative association.

§ 947.106 *Administration assessment.* Assessment for expense of administration shall be paid by the handler at whose plant milk is received from producers, or, in the case of a handler's plant at which no milk is received from producers, by the handler from whose plant Class I milk is distributed directly in the marketing area.

§ 947.107 *Reports.* The following forms provided by the market administrator shall be submitted to the market administrator by handlers. In case the specific form is not available, the equivalent written information shall be submitted.

(a) *Stopped delivery notice.* This form shall be executed and submitted promptly for each producer stopping delivery.

(b) *Started delivery notice.* This form shall be executed and submitted promptly for each producer starting delivery.

(c) *Report Form (047-A) showing receipts and disposition of milk, skim milk, and cream.* This form shall be executed and submitted on or before the 7th day after the end of each delivery period by each handler.

(d) *Notice of producers miscellaneous deductions and assignments.* This form shall be executed and submitted at the same time information required in § 947.3 (a) (4) of the order is submitted if deductions other than those authorized in § 947.8 (b) and (c) of the order are made by the handler.

§ 947.108 *Conversion factors.* In the absence of specific weights, the weight of milk products received or disposed of in 1-quart or 40-quart containers shall be determined according to the following table, and the weight of such products in any other container shall be determined by multiplying the equivalent number of quarts in such container.

Product	Butterfat test	Weight (in pounds)	
		Per quart	Per 40-quart can
Skim milk and buttermilk	Percent Less than 0.5	2.16	86
All other class I products, Cream.....	0.5 to 16	2.15	85
	16	2.136	85.42
	17	2.134	85.34
	18	2.132	85.26
	19	2.130	85.18
	20	2.128	85.10
	21	2.126	85.02
	22	2.124	84.94
	23	2.122	84.86
	24	2.120	84.78
	25	2.118	84.70
	26	2.116	84.62
	27	2.113	84.52
	28	2.111	84.42
	29	2.109	84.35
	30	2.108	84.30
	31	2.106	84.24
	32	2.105	84.18
	33	2.103	84.12
	34	2.102	84.06
	35	2.100	84.00
	36	2.099	83.94
	37	2.097	83.88
	38	2.096	83.82
	39	2.094	83.76
	40	2.093	83.70
	41	2.091	83.64
	42	2.090	83.58
	43	2.088	83.52
	44	2.087	83.46
	45	2.085	83.40
	46	2.084	83.34
	47	2.082	83.28
	48	2.081	83.22
	49	2.079	83.16
	50	2.078	83.10

Issued at Fall River, Massachusetts this 27th day of August 1947, to be effective on and after the 1st day of September 1947.

JOHN J. HOGAN,
Market Administrator.

[F. R. Doc. 47-8116; Filed, Aug. 29, 1947; 8:48 a. m.]

[Lemon Reg. 236, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation

RULES AND REGULATIONS

is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The provisions in paragraph (b) (1) and (2) of § 953.343 (Lemon Regulation 236, 12 F. R. 5690, as amended), are hereby further amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1947, and ending at 12:01 a. m., P. s. t., August 31, 1947, is hereby fixed at 500 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 235 (12 F. R. 5544) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of August 1947.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 47-8143; Filed, Aug. 29, 1947;
9:55 a. m.]

[Lemon Reg. 237]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.344 *Lemon Regulation 237*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California, or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this sec-

tion is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 31, 1947, and ending at 12:01 a. m., P. s. t., September 7, 1947, is hereby fixed at 275 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handler," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of August 1947.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

Storage date: August 24, 1947

[12:01 a. m. Aug. 31, 1947, to 12:01 a. m.
Sept. 14, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co.	.000
American Fruit Growers:	
Fullerton	.419
Lindsay	.000
Upland	.344
Consolidated Citrus Growers	.000
Corona Plantation Co.	.216
Hazeltine Packing Co.	.240
Leppla-Pratt, Produce Distributors Inc.	.000
McKellips, C. H.-Phoenix Citrus Co.	.000
McKellips Mutual Citrus Growers Inc.	.000
Phoenix Citrus Packing Co.	.000
Ventura Coastal Lemon Co.	1.739
Ventura Pacific Co.	1.489
Total A. F. G.	4.447
Arizona Citrus Growers	.000
Desert Citrus Growers Co. Inc.	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Associa- tion	1.126
La Verne Lemon Association	.522
La Habra Citrus Association	1.123
Yorba Linda Citrus Association, The	.565
Alta Loma Heights Citrus Associa- tion	.523
Etiwanda Citrus Fruit Association	.160
Mountain View Fruit Association	.384

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Old Baldy Citrus Association	0.938
Upland Lemon Growers Association	4.046
Central Lemon Association	.941
Irvine Citrus Association, The	.835
Placentia Mutual Orange Associa- tion	.311
Corona Citrus Association	.056
Corona Foothill Lemon Co.	1.077
Jameson Co.	.484
Arlington Hts. Fruit Co.	.098
College Heights Orange & Lemon Association	3.185
Chula Vista Citrus Association, The	1.749
El Cajon Valley Citrus Association	.052
Escondido Lemon Association	2.315
Fallbrook Citrus Association	1.503
Lemon Grove Citrus Association	.191
San Dimas Lemon Association	1.463
Carpinteria Lemon Association	3.996
Carpinteria Mutual Citrus Associa- tion	3.842
Goleta Lemon Association	4.667
Johnson Fruit Co.	7.663
North Whittier Hts. Citrus Associa- tion	.522
San Fernando Heights Lemon Associa- tion	.792
San Fernando Lemon Association	.171
Sierra Madre-Lamanda Citrus Associa- tion	1.269
Tulare County Lemon and Grape- fruit Association	.000
Briggs Lemon Association	3.334
Culbertson Investment Co.	1.013
Culbertson Lemon Association	1.722
Fillmore Lemon Association	.783
Oxnard Citrus Association, No. 1	3.936
Oxnard Citrus Association No. 2	3.437
Rancho Sespe	.747
Santa Paula Citrus Fruit Associa- tion	3.443
Saticoy Lemon Association	5.735
Seaboard Lemon Association	5.874
Somis Lemon Association	3.554
Ventura Citrus Association	2.188
Limoneira Co.	3.073
Teague-McKevett Association	.949
East Whittier Citrus Association	.442
Leffingwell Rancho Lemon Associa- tion	.448
Murphy Ranch Co.	1.167
Whittier Citrus Association	.538
Whittier Select Citrus Association	.386
Total C. F. G. E.	89.333
Arizona Citrus Products Co.	.000
Chula Vista Mutual Lemon Associa- tion	.917
Escondido Cooperative Citrus Asso- ciation	.179
Glendora Cooperative Citrus Associa- tion	.024
Index Mutual Association	.111
La Verne Cooperative Citrus Associa- tion	1.524
Libbey Fruit Packing Co.	.000
Orange Cooperative Citrus Associa- tion	.105
Pioneer Fruit Co.	.000
Tempe Citrus Co.	.000
Ventura County Orange and Lemon Association	2.051
Whittier Mutual Orange and Lemon Association	.153
Total M. O. D.	5.064
Abbate, Charles Co., The	.000
California Citrus Groves, Inc. Ltd.	.000
Evans Brothers Packing Co.:	
Riverside	.000
Sentinel Butte Ranch	.000
Foothill Packing Co.	.034
Granada Packing House	.000
Harding & Leggett	.000
Morris Brothers Fruit Co.	.047
Orange Belt Fruit Distributors	.994

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Potato House, The	0.000
Raymond Brothers	.000
Rooke, B. G. Packing Co.	.000
San Antonio Orchard Co.	.023
Sun Valley Packing Co.	.000
Sunny Hills Ranch, Inc.	.000
Valley Citrus Packing Co.	.000
Verity, R. H., Sons & Co.	.058
Western States Fruit and Produce Co.	.000
Total Independents	1.156

[F. R. Doc. 47-8142; Filed, Aug. 29, 1947; 9:55 a. m.]

[Orange Reg. 193]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.339 *Orange Regulation 193—(a) Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1947, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 31, 1947, and ending at 12:01 a. m., P. s. t., September 7, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,700 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the

No. 171—2

said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of August 1947.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Aug. 31, 1947 to 12:01 a. m. Sept. 7, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0725
A. F. G. Fullerton	1.0230
A. F. G. Orange	.7412
A. F. G. Redlands	.2311
A. F. G. Riverside	.1283
A. F. G. San Juan Capistrano	.9070
A. F. G. Santa Paula	.3637
Corona Plantation Co.	.2382
Hazeltine Packing Co.	.3643
Placentia Pioneer Valencia Growers Association	.6682
Signal Fruit Association	.0792
Azusa Citrus Association	.4948
Azusa Orange Co., Inc.	.1350
Damerel-Allison Co.	.8310
Glendora Mutual Orange Association	.3771
Irwindale Citrus Association	.2896
Puente Mutual Citrus Association	.3078
Valencia Heights Orchards Association	.4260
Glendora Citrus Association	.3463
Glendora Heights O. & L. Growers Association	.0756
Gold Buckle Association	.5910
La Verne Orange Association	1.6397
Anaheim Citrus Fruit Association	1.3637
Anaheim Valencia Orange Association	1.5884
Eadington Fruit Co., Inc.	2.1275
Fullerton Mutual Orange Association	1.8189
La Habra Citrus Association	1.1407
Orange County Valencia Association	.7897
Orangethorpe Citrus Association	1.2443
Placentia Cooperative Orange Association	.7635
Yorba Linda Citrus Association, The	.6147
Alta Loma Heights Citrus Association	.0932
Citrus Fruit Growers	.1412
Cucamonga Citrus Association	.1521
Etiwanda Citrus Fruit Association	.0416
Old Baldy Citrus Association	.1318
Rialto Heights Orange Growers	.0970
Upland Citrus Association	.3989
Upland Heights Orange Association	.1499
Consolidated Orange Growers	1.9428
Frances Citrus Association	1.0528
Garden Grove Citrus Association	1.8429

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Goldenwest Citrus Association, The	1.6104
Irvine Valencia Growers	2.4178
Olive Heights Citrus Association	1.8826
Santa Ana-Tustin Mutual Citrus Association	.9626
Santiago Orange Growers Association	3.7712
Tustin Hills Citrus Association	1.8281
Villa Park Orchs. Association, The	1.8501
Andrews Brothers of Calif.	.4611
Bradford Brothers, Inc.	.7608
Placentia Mutual Orange Association	1.7248
Placentia Orange Growers Association	2.8319
Call Ranch	.0717
Corona Citrus Association	.2229
Jameson Co.	.0396
Orange Heights Orange Association	.2681
Bresk & Son, Allen	.0559
Bryn Mawr Fruit Growers Association	.2611
Crafton Orange Growers Association	.4210
E. Highlands Citrus Association	.0849
Fontana Citrus Association	.0699
Highland Fruit Growers Association	.0501
Krinard Packing Co.	.2721
Mission Citrus Association	.1361
Redlands Cooperative Fruit Association	.4012
Redlands Heights Groves	.4282
Redlands Orange Growers Association	.2578
Redlands Orangedale Association	.2796
Redlands Select Groves	.1591
Rialto Citrus Association	.1486
Rialto Orange Co.	.1481
Southern Citrus Association	.1946
United Citrus Growers	.1426
Zihen Citrus Co.	.0410
Andrews Brothers of California	.1310
Arlington Heights Fruit Co.	.1144
Brown Estate, L. V. W.	.1200
Gavilan Citrus Association	.1624
Hemet Mutual Groves	.1106
Highgrove Fruit Association	.0764
McDermont Fruit Co.	.1684
Mentone Heights Association	.0717
Monte Vista Citrus Association	.2046
National Orange Co.	.0808
Riverside Heights Orange Growers Association	.0262
Sierra Vista Packing Association	.0577
Victoria Avenue Citrus Association	.1733
Claremont Citrus Association	.1454
College Heights O. & L. Association	.1607
El Camino Citrus Association	.0812
Indian Hill Citrus Association	.1503
Pomona Fruit Growers Exchange	.3500
Walnut Fruit Growers Association	.4253
West Ontario Citrus Association	.3562
El Cajon Valley Citrus Association	.3082
Escondido Orange Association	2.3806
San Dimas Orange Growers Association	.4954
Covina Citrus Association	1.0547
Covina Orange Growers Association	.3513
Duarte-Monrovia Fruit Exchange	.1639
Santa Barbara Orange Association	.0503
Ball & Tweedy Association	.6017
Canoga Citrus Association	.6718
N. Whittier Heights Citrus Association	.8385
San Fernando Fruit Growers Association	.3811
San Fernando Heights Orange Association	.9381
Sierra Madre-Lamanda Citrus Association	.3229
Camarillo Citrus Association	1.4607

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Fillmore Citrus Association.....	3.4782
Mupu Citrus Association.....	2.4627
Ojai Orange Association.....	.8444
Piru Citrus Association.....	1.8602
Santa Paula Orange Association.....	.9844
Tapo Citrus Association.....	.8958
Limoneira Co.....	.3879
E. Whittier Citrus Association.....	.3940
El Ranchito Citrus Association.....	1.1205
Murphy Ranch.....	.4217
Rivera Citrus Association.....	.5331
Whittier Citrus Association.....	.7144
Whittier Select Citrus Association.....	.4380
Anaheim Coop. Orange Association.....	1.5403
Bryn Mawr Mutual Orange Association.....	.0924
Chula Vista Mutual Lemon Association.....	.0896
Escondido Coop. Citrus Association.....	.3254
Euclid Avenue Orange Association.....	.4073
Foothill Citrus Union, Inc.....	.0324
Fullerton Cooperative Orange Association.....	.5154
Garden Grove Orange Cooperative, Inc.....	.7638
Glendora Cooperative Citrus Association.....	.0551
Golden Orange Groves, Inc.....	.3689
Highland Mutual Groves.....	.0258
Index Mutual Association.....	.2311
La Verne Cooperative Citrus Association.....	1.7277
Olive Hillside Groves.....	.7046
Orange Cooperative Citrus Association.....	1.2662
Redlands Foothill Groves.....	.4970
Redlands Mutual Orange Association.....	.1692
Riverside Citrus Association.....	.0266
Ventura County Orange and Lemon Association.....	.8061
Whittier Mutual Orange and Lemon Association.....	.2284
Babijuce Corporation of California.....	.5473
Banks Fruit Co.....	.2659
Banks, L. M.....	.5136
Borden Fruit Co.....	.9089
California Fruit Distributors.....	.1545
Cherokee Citrus Co., Inc.....	.1421
Chess Co., Meyer W.....	.2651
Escondido Avocado Growers.....	.0213
Evans Brothers Packing Co.....	.1997
Gold Banner Association.....	.2881
Granada Hills Packing Co.....	.0613
Granada Packing House.....	1.6897
Hill, Fred A.....	.0747
Inland Fruit Dealers.....	.0279
Mills, Edward.....	.0118
Orange Belt Fruit Distributors.....	2.4072
Panno Fruit Co., Carlo.....	.0397
Paramount Citrus Association.....	.2586
Placencia Orchards Co.....	.5557
San Antonio Orchards Co.....	.4350
Santa Fe Groves Co.....	.0495
Snyder & Sons Co., W. A.....	.5055
Stephens, T. F.....	.0854
Sunny Hills Ranch, Inc.....	.1155
Ventura County Citrus Association.....	.0138
Verity & Sons Co., R. H.....	.0352
Wall, E. T.....	.1348
Webb Packing Co.....	.1563
Western Fruit Growers, Inc., Ana.....	.0181
Western Fruit Growers, Inc., Reds.....	.6466
Yorba Orange Growers Association.....	.7379

[F. R. Doc. 47-8144; Filed, Aug. 29, 1947; 9:55 a. m.]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

§ 975.0 Findings and determinations—(a) Findings upon the basis of

the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) a public hearing was held on June 30-July 3, 1947 upon proposed amendments to the order and the marketing agreement regulating the handling of milk in the Cleveland, Ohio marketing area. The decision (12 F. R. 5627) was made with respect to the order as amended by the Secretary on August 15, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and all of the terms and conditions of said order, as amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* In view of the emergency nature of the action being taken it is necessary to make effective promptly the present order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947-48. Any delay in the effective date of this order, as amended, will seriously threaten the supply of milk for the Cleveland, Ohio, marketing area and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (See section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended, which is marketed within the Cleveland, Ohio marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing areas; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers participating in a referendum on the question of approval of the order, and who during May 1947 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended to read as follows:

Sec.	
975.1	Definitions.
975.2	Market administrator.
975.3	Pool plant.
975.4	Reports, records and facilities.
975.5	Classification.
975.6	Minimum prices.
975.7	Determination of uniform price to producers.
975.8	Payment for milk.
975.9	Expense of administration.
975.10	Marketing services.
975.11	Adjustment of accounts.
975.12	Application of provisions.
975.13	Effective time.
975.14	Suspension or termination.
975.15	Agents.
975.16	Separability of provisions.

AUTHORITY: §§ 975.1 to 975.16, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C., 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534.

§ 975.1 *Definitions.* The following terms have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions specified in § 975.6.

(d) "Market administrator" means the agency described in § 975.2.

(e) "Person" means any individual, partnership, corporation, association, or any other business unit.

(f) "Cleveland, Ohio, marketing area," hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations, within Cuyahoga County and the township of Willoughby in Lake County; all in the State of Ohio.

(g) "Handler" means any person who: (1) Operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of milk, skim milk, buttermilk, flavored milk, or flavored milk drinks (i) on a route extending into the marketing area; or (ii) to a pool plant described under § 975.3 (a) (1) which receives less than 50 percent of such plant's total receipts of skim milk and butterfat from producers or from other pool plants.

(h) "Producer" means any person with respect to milk produced by him having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to:

(1) A pool plant (i) out of which a route is operated in such community, or (ii) furnishing milk to another pool plant out of which a route is operated in such community (but not including milk diverted from a nonpool plant for the account of such plant);

(2) A nonpool plant within April, May, June, or July for the account of a pool plant by diversion from a pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted; or

(3) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

(i) "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(j) "Nonhandler" means any person not a handler who operates a nonpool plant.

(k) "Producer-handler" means any person who:

(1) Produces milk but receives no milk from dairy farmers; and

(2) Operates a route extending into the marketing area.

(l) "Pool plant" means a plant designated pursuant to § 975.3 (a).

(m) "Nonpool plant" means any milk manufacturing or processing plant not a pool plant.

(n) "Other source milk" means all skim milk and butterfat not received from a producer or from a pool plant, but (1) contained in milk, skim milk,

or cream; or (2) used to produce any milk product.

(o) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises, other than a pool plant(s) or nonpool plant(s).

(p) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 975.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To make rules and regulations to effectuate its terms and provisions;

(3) To receive, investigate, and report to the Secretary complaints of violations; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 975.9:

(i) The cost of his bond and of the bonds of his employees.

(ii) His own compensation, and

(iii) All other expenses, except those incurred under § 975.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which

he is required to perform such acts, has not made (i) reports pursuant to § 975.4, or (ii) payments pursuant to §§ 975.3, 975.9, 975.10 or 975.11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(9) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 6th day of such delivery period, the minimum prices for skim milk and butterfat in Class I milk and Class II milk computed pursuant to § 975.6;

(ii) On or before the 6th day after the end of such delivery period, the minimum prices for skim milk and butterfat in Class III milk computed pursuant to § 975.6; and

(iii) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 975.7 (d) and the butterfat differential computed pursuant to § 975.8 (c); and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

§ 975.3 *Pool plant*—(a) *Designation.* Subject to the conditions set forth in paragraphs (b) and (c) of this section, a pool plant means any of the following plants, except a bottling plant operated by a producer-handler:

(1) A bottling plant which is:

(i) Located inside the marketing area and out of which a route is operated; or

(ii) Located outside the marketing area with 10 percent or more of the aggregate weight of the skim milk and butterfat contained in its total route disposition of milk, skim milk, buttermilk, flavored milk, and flavored milk drink in fluid form on routes operated wholly or partially within the marketing area.

(2) A plant having approval of the appropriate health authority in the marketing area to supply milk to a pool plant described in subparagraph (1) of this paragraph and appearing on a list prepared and publicly announced by the market administrator for each delivery period not later than the 14th day after

the end of such delivery period by posting in a conspicuous place in his office. Such list shall include:

(1) The following plants:

Location of plant (Feb. 1, 1946)	Operator of plant on Feb. 1, 1946
Ashland, Ohio.....	Cleveland Dairy Products Co. (Echo Dairy)
Conneaut, Ohio.....	Conneaut Creamery Co.
Dorset, Ohio.....	Dorset Milk Co.
East Liberty, Ohio.....	Dutchland Farms, Inc.
Tiffin, Ohio.....	Do.
Akron, Ohio.....	Mountrose Dairy Co.
(Route 7)	
Orrville, Ohio.....	Orrville Milk Condensing Co.
Trail, Ohio (P. O. Dundee, Ohio).....	Do.
Woodville, Ohio.....	Soeder's Sons Co.
Attica, Ohio.....	Telling-Belle Vernon Co.
Beloit, Ohio.....	Do.
Jefferson, Ohio.....	Do.
Prospect, Ohio.....	Do.
Rome, Ohio.....	Do.
Wellington, Ohio.....	Do.
Lodi, Ohio.....	United Dairy Co.
Wooster, Ohio.....	Wooster Farm Dairies Co.
Cleveland, Ohio.....	Milk Producers Federation of Cleveland;

and

(ii) A plant, upon request to the market administrator by the plant operator, if such plant has been a pool plant pursuant to subparagraph (3) of this paragraph for nine or more consecutive delivery periods including that within which such request was made.

(3) A plant having approval of the appropriate health authority in the marketing area to do so which has, within the delivery period and within each of the five preceding delivery periods, furnished milk to a pool plant described in subparagraph (1) of this paragraph as follows:

(i) On 14 or more days in a total amount equal to 10 percent or more of its entire receipts of milk from dairy farmers during each such delivery period; or

(ii) In an amount equal to 50 percent or more of its entire receipts of milk from dairy farmers during each such delivery period:

Provided, That (a) any such plant meeting the requirements set forth in subdivisions (i) and (ii) of this subparagraph may become a pool plant beginning with the fourth consecutive delivery period within which such requirements have been met if prior request for pool plant status has been made to the market administrator by the plant operator; and (b) any such plant meeting the requirements set forth in subdivisions (i) and (ii) of this subparagraph for each of the six delivery periods immediately preceding April 1 of any year need not do so during April, May, June, and July of such year if written request to retain pool plant status for such four-month period is made of the market administrator by the handler prior to April 1 of such year.

(b) *Replacement*. A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to

it previously had been producers at the pool plant so replaced.

(c) *Removals*. A plant shall be removed from the list of pool plants prepared pursuant to paragraph (a) (2) of this section under either of the following circumstances:

(1) Upon prior written request for such removal made by the plant operator; such removal to be effective at the beginning of the 1st delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in paragraph (a) (1) of this section; or

(2) If such plant furnished less than 10 percent of its dairy farm supply of milk to a pool plant described in paragraph (a) (1) of this section within each of the three most recent delivery periods, excluding April, May, June and July: *Provided*, That this subparagraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

§ 975.4 *Reports, records and facilities*—(a) *Delivery period reports of receipts and utilization*. On or before the 8th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to milk received from producers, other source milk received at a pool plant, skim milk and butterfat received in any form at a pool plant or at a nonpool plant from a pool plant, skim milk and butterfat received in any form at a nonpool plant engaged in the manufacture of ice cream or ice cream mix which is operated by such handler and is located within the marketing area, and all skim milk and butterfat received in any form from all sources at a nonpool plant referred to in § 975.1 (g) (2), in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts, and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) *Other reports*. (1) Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator may request.

(2) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer pay roll for the delivery period, which shall show:

(i) The pounds of milk (and the percentage of butterfat contained therein) received from each producer;

(ii) The amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer); and

(iii) The nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities*. Each handler shall maintain, and make available

to the market administrator during the usual hours of business, such accounts and records of all of his operations, including those of his nonpool plants in which any milk is received from a pool plant or of his nonpool plants located within the marketing area in which ice cream or ice cream mix is manufactured, and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(1) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) or (b) (1) of this section;

(2) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(3) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(4) Payments to producers and to cooperative associations.

§ 975.5 *Classification*—(a) *Skim milk and butterfat to be classified*. Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources by each handler at his (1) pool plant(s) and (2) nonpool plant(s) engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, shall be classified separately (as skim milk or butterfat) pursuant to the following provisions of this section.

(b) *Classes of utilization*. Subject to the conditions set forth in paragraphs (d) and (e) of this section, skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes of utilization:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(i) Disposed of in fluid form as milk; skim milk or buttermilk, except for livestock feed; flavored milk or flavored milk drink; sweet or sour cream; any mixture of cream and milk (or skim milk); or eggnog;

(ii) Transferred as any item included in subdivision (i) of this subparagraph from a pool plant to the plant of a producer-handler, or transferred as any such item, except cream, to a nonpool plant located more than 160 miles from such pool plant by shortest highway distance as determined by the market administrator;

(iii) Accounted for as any item not listed under subdivision (i) of this subparagraph or as Class II milk or Class III milk; or

(iv) Such shrinkage on milk received from producers computed pursuant to paragraph (c) (4) of this section which is in excess of 2 percent of such receipts.

(2) Class II milk shall be all skim milk and butterfat used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for similar products (liquid or powdered); or storage cream (cream placed in a licensed cold storage warehouse to remain for a period of not less than 30 days, and which is subject at all times, while in such warehouse to in-

spection by the market administrator to determine the physical presence of such cream).

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce butter; butter oil; cheese (including cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim milk or buttermilk disposed of for livestock feed;

(ii) In actual shrinkage of milk received from producers computed pursuant to paragraph (c) (4) of this section, but not in excess of 2 percent of such receipts; and

(iii) In actual shrinkage of other source milk computed pursuant to paragraph (c) (4) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in milk received from producers and in other source milk received in the following manner: *Provided*, That milk of producers transferred by a handler to another handler and received at the latter's (1) pool plant, or (2) nonpool plant engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, without first having been received for purposes of weighing and testing in the transferring handler's pool plant shall be included in the receipts at such plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the pool plant of the transferring handler in computing his plant shrinkage.

(1) Compute the total shrinkage of skim milk and butterfat, respectively, by (i) combining the shrinkage thereof for all pool plants operated by the handlers, and (ii) combining in a separate sum the shrinkage thereof for all nonpool plants operated by him to which any skim milk or butterfat has been transferred from any of his pool plants

(2) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) (ii) of this paragraph, in such nonpool plants between (i) skim milk or butterfat, respectively, transferred from any of his pool plants, and (ii) skim milk or butterfat, respectively, received from all other sources;

(3) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) (i) of this paragraph, the shrinkage on skim milk or butterfat, respectively, transferred from the handler's pool plant(s) to his nonpool plant(s) computed pursuant to subparagraph (2) of this paragraph; and

(4) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (3) of this paragraph between that in milk received from producers and in other source milk at his pool plants, after deducting from the total receipts therein

the receipts from pool plants other than his own.

(d) *Transfers.* Skim milk or butterfat transferred as any item listed in paragraph (b) (1) (i) of this section from a pool plant in a manner described in subparagraphs (1), (2), or (3) of this paragraph, shall be classified as follows:

(1) As Class I milk, if transferred to another pool plant unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided*, That skim milk or butterfat assigned to a particular class shall be limited to the amount thereof remaining in such class in the pool plant of the transferee handler after the subtraction of other source milk pursuant to paragraphs (g) (4) and (h) of this section, and any excess of such transferred skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available class; or

(2) As Class I milk, if transferred to a nonpool plant (except to a plant described in paragraph (b) (1) (ii) of this section) unless (i) other utilization is mutually indicated in writing to the market administrator by both the buyer and seller on or before the 8th day after the end of the delivery period within which such transfer was made, (ii) the buyer maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided*, That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lowest-priced available class of utilization as if the classes of utilization set forth in paragraph (b) of this section were applicable to such nonpool plant; or

(3) As Class I milk if transferred in bulk form to (i) a manufacturer of soup, candy, or bakery products for use in such manufacturing operations, or (ii) any retail establishment which disposes of milk in fluid form.

(e) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that classified pursuant to paragraph (b) (1) (ii) of this section) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(f) *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and

compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(g) *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(1) Subtract from the total pounds of butterfat in Class III milk (other than butterfat in butter), the pounds of butterfat shrinkage allowed pursuant to paragraph (b) (3) (ii) of this section;

(2) Subtract from the pounds of butterfat in Class I milk, the smaller of the following:

(i) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 105 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (b) (1) (i) of this section, not including such Class I milk transferred to pool plants or to nonpool plants; or

(ii) The pounds of butterfat in other source milk received;

(3) Subtract from the pounds of butterfat in other source milk, the pounds deducted pursuant to subparagraph (2) of this paragraph;

(4) Subtract from the pounds of butterfat remaining in each class, after making the deduction pursuant to subparagraph (2) of this paragraph, in series beginning with the lowest-priced utilization, the pounds of butterfat remaining in other source milk after making the deduction pursuant to subparagraph (3) of this paragraph;

(5) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to paragraph (d) of this section; and

(6) Add to the remaining pounds of butterfat in Class III milk (other than butterfat in butter), the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

(h) *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in paragraph (g) of this section.

§ 975.6 *Minimum prices*—(a) *Basic formula price to be used in determining prices of Class I milk and Class II milk.* The basic formula price per hundredweight of milk to be used in determining the Class I milk and Class II milk prices for each delivery period, pursuant to paragraphs (b) and (c) of this section, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to subparagraphs (1), (2), and (3) of this paragraph.

(1) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the next preceding delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co.:
Black Creek, Wis.
Greenville, Wis.
Mt. Pleasant, Mich.
New London, Wis.
Orfordville, Wis.
Carnation Co.:
Berlin, Wis.
Jefferson, Wis.
Chilton, Wis.
Oconomowoc, Wis.
Richland Center, Wis.
Sparta, Mich.
Pet Milk Co.:
Belleville, Wis.
Coopersville, Mich.
Hudson, Mich.
New Glarus, Wis.
Wayland, Mich.
White House Milk Co.:
Manitowoc, Wis.
West Bend, Wis.

(2) The price per hundredweight resulting from the following formula:

(i) Multiply by 6 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the next preceding delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the next preceding delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the next preceding delivery period, subtract 3 cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the next preceding delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

(b) *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. the marketing area, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(1) Add to the basic formula price the following amount for the delivery period indicated: May and June, \$0.85; September, October, November, December, January, and February, \$1.15; and all others, \$1.00: *Provided*, That in no event shall the price resulting from this subparagraph be lower than \$4.79 for the months of September to December 1947, inclusive: *Provided, further*, That the price resulting from this subparagraph for January 1948, shall not be lower than the effective price for December 1947, less 44 cents, and that the price for February 1948, shall not be lower than the effective price for January 1948, less 44 cents: *And provided also*, That the minimum price of sweet or sour cream, or of any mixture of cream and milk (or skim milk), in Class I milk shall be the price otherwise applicable pursuant to this subparagraph less 15 cents.

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the amount obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(c) *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. the marketing area, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class II milk, shall be as follows, as computed by the market administrator:

(1) Add to the basic formula price the following amount for the delivery period indicated: May and June, \$0.25; September, October, November, December, January, and February, \$0.55; and all others, \$0.40.

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20; *Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to paragraph (d) (1) of this section prior to the proviso therein.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph prior to the application of the proviso by 0.035; (ii) subtracting such amount from the amount obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(d) *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, which is classified as Class III milk shall be as follows, as computed by the market administrator:

(1) The price per hundredweight of butterfat shall be the average price per pound of 92-score butter at wholesale in

the Chicago market, as reported by the Department of Agriculture for the delivery period, multiplied by 120: *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in shrinkage pursuant to § 975.5 (b) (3) (ii) shall be such price less \$3.60;

(2) Except as set forth in subparagraph (3) of this paragraph, the price per hundredweight of skim milk (calculated to the nearest full cent) shall be the average carlot price per pound of nonfat dry milk solids for human consumption, roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, less 5.5 cents and then multiplied by 8.5; and

(3) When the higher of the prices computed pursuant to paragraphs (a) (1) or (a) (2) of this section is higher than the price of 100 pounds of milk of 3.5 percent butterfat content computed by adding the value of 3.5 pounds of butterfat pursuant to subparagraph (1) of this paragraph, prior to the application of the proviso therein, to the value of 96.5 pounds of skim milk pursuant to subparagraph (2) of this paragraph, the price per hundredweight of skim milk used to produce bulk condensed skim milk or whole milk (sweetened or unsweetened), evaporated or condensed milk (or skim milk) in hermetically sealed cans, cottage cheese, and powdered malted milk shall be computed as follows and used in lieu of the price computed pursuant to subparagraph (2) of this paragraph:

(i) From the higher of the prices computed pursuant to paragraphs (a) (1) or (a) (2) of this section deduct 25 cents;

(ii) Multiply the result by 0.7;

(iii) Subtract such result from the figure obtained in subdivision (i) of this subparagraph; and

(iv) Divide the result by 0.965, and round off to the nearest full cent.

(e) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 975.7 *Determination of uniform price to producers*—(a) *Computation of pool value for each handler operating a pool plant.* Subject to the location adjustment provided by paragraph (b) of this section, the pool value for each delivery period for each handler operating a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable prices for skim milk and butterfat in each class pursuant to § 975.6, the skim milk and butterfat in milk received from producers according to their classification pursuant to paragraphs (g) and (h) of § 975.5, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts of skim milk and butterfat, respectively other than in milk received from producers, has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount equal to the quantity of such excess of skim milk or butterfat multiplied by the applicable prices.

(b) With respect to the actual weight of (1) milk, cream, or any other item named in Class I milk and Class II milk which is moved directly to the marketing area from a pool plant located outside the marketing area, and (2) Class I milk and Class II milk disposed of outside the marketing area from a pool plant so located, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	Cents per hundredweight
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
Within each 15 mile zone thereafter—	
an additional 1 cent.	

Provided, That such adjustment shall be limited to an amount of milk, cream, or other item so moved which could be derived from the milk received from producers at such plant.

(c) *Computation of obligation to the producer-settlement fund for certain handlers operating nonpool plants.* (1) For each delivery period the obligation to the producer-settlement fund for each handler (except a producer-handler) who operates a nonpool plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk, or flavored milk drink within such delivery period on each such route, and subtracting therefrom an amount computed by multiplying such volumes of skim milk and butterfat by

the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

(2) For each delivery period, the obligation to the producer-settlement fund for each handler who operates a nonpool plant and supplies milk, skim milk, buttermilk, flavored milk, or flavored milk drink to a plant designated as a pool plant pursuant to § 975.3 (a) (1), which latter plant received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants, shall be computed by the market administrator by multiplying by the difference between the respective prices for skim milk and butterfat in Class I milk and Class III milk, the amount of such receipts from such nonpool plant which are Class I milk at the receiving pool plant.

(d) *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content, i. o. b. the marketing area, received from producers by:

(1) Combining into one total the pool values computed under paragraph (a) of this section for all handlers who reported pursuant to § 975.4 (a) for such delivery period, except those in default in payments required pursuant to § 975.8 (e) for the preceding delivery period;

(2) Adding an amount representing the monies received in payment of obligations computed under paragraph (c) of this section;

(3) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones as set forth in § 975.6 (b);

(4) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in subparagraph (1) of this paragraph is greater than 3.5 percent, or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total hundredweight of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.8 (c) multiplied by 1,000;

(6) Dividing by the hundredweight of milk received from producers represented by the values included in subparagraph (1) of this paragraph; and

(7) Subtracting not less than 4 cents nor more than 5 cents.

(e) *Notification.* The market administrator shall notify:

(1) On or before the 14th day after the end of each delivery period, each handler who operates a pool plant of:

(i) The amounts and pool values of his skim milk and butterfat in each class and the totals of such amounts and values;

(ii) The uniform price;

(iii) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(iv) The totals of the minimum amounts to be paid by such handler pursuant to §§ 975.8, 975.9, 975.10, and 975.11.

(2) On or before the 14th day after the end of each delivery period each handler described in § 975.1 (g) (2) of:

(i) The pounds of his skim milk and butterfat in milk, skim milk, buttermilk, flavored milk, and flavored milk drink subject to the provisions of paragraph (c) of this section; and

(ii) The amount due the producer-settlement fund from each such handler.

§ 975.8 *Payment for milk*—(a) *Time and method of payment.* (1) Except as provided by subparagraph (2) of this paragraph, on or before the 20th day

after the end of each delivery period, each handler (except a cooperative association) shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price, less the location adjustment pursuant to paragraph (b) of this section and adjusted by the butterfat differential pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (1) of this section, he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 19th day after the end of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to subparagraph (1) of this paragraph.

(3) On or before the 15th day after the end of each delivery period, each handler shall pay a cooperative association which is a handler, with respect to skim milk and butterfat received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for skim milk and butterfat, respectively, in each class, subject to the applicable location adjustment provided by § 975.7 (b), by the hundredweight of skim milk and butterfat, respectively, in each class pursuant to § 975.5.

(b) *Location adjustments to producers.* In making payments pursuant to paragraphs (a) (1) and (a) (2) of this section a handler may deduct, with respect to all milk received from producers at a plant located outside the marketing area, not more than the following respective amount per hundredweight of milk applicable for the location of such plant by shortest highway distance from the Public Square in

Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	Cents per hundredweight
Not more than 30 miles.....	0
More than 30 miles but not more than 45 miles.....	15
More than 45 miles but not more than 60 miles.....	17
More than 60 miles but not more than 75 miles.....	19
More than 75 miles but not more than 90 miles.....	21
Within each 15 mile zone thereafter— an additional 1 cent.	

(c) *Butterfat differential.* In making payments pursuant to paragraphs (a) (1) or (a) (2) of this section there shall be added to or subtracted from, the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(1) Multiply the hundredweight of butterfat in each class computed pursuant to § 975.5 (g) by the applicable minimum price for butterfat in such class computed pursuant to § 975.6;

(2) Add into one total the butterfat values obtained in subparagraph (1) of this paragraph and divide such total by the total hundredweight of butterfat in all classes computed pursuant to § 975.5 (g) to determine a weighted average price for butterfat;

(3) Subtract from the weighted average price per hundredweight of butterfat computed in subparagraph (2) of this paragraph, a weighted average price per hundredweight of skim milk computed as follows:

(i) Multiply the hundredweight of skim milk computed in each class pursuant to § 975.5 (h) by the respective minimum price for skim milk in such class computed pursuant to § 975.6; and

(ii) Add into one total the skim milk values so obtained for all classes and divide such total by the total hundredweight of skim milk in all classes computed pursuant to § 975.5 (h); and

(4) Divide by 1,000 the price of butterfat resulting pursuant to subparagraph (3) of this paragraph, and round off to the nearest tenth of a cent.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to paragraph (e) of this section and out of which he shall make all payments pursuant to paragraph (f) of this section.

(e) *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler:

(1) Whose pool value is required to be computed pursuant to § 975.7 (a), shall pay to the market administrator the amount by which such pool value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraphs (a) (1) and (a) (2) of this section; and

(2) Whose obligation is required to be computed pursuant to § 975.7 (c), shall

pay to the market administrator such obligation for such delivery period.

(f) *Payment out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's pool value pursuant to § 975.7 (a) is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) (1) or (a) (2) of this section, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (e) of this section, §§ 975.9, 975.10, or 975.11: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 975.2 (c) (4), each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production), of other source milk at pool plants, except that used in the manufacture of ice cream or ice cream mix, and of other source milk on which payment is required pursuant to § 975.5 (c).

§ 975.10 *Marketing services.*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to paragraphs (a) (1) and (a) (2) of § 975.8, with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period, shall pay such deductions to the market administrator. Such monies shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in

paragraph (a) of this section, such deductions from payments required pursuant to paragraphs (a) (1), and (a) (2) of § 975.8 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 975.11 *Adjustment of accounts.*—(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.8, 975.9, 975.10 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 975.12 *Application of provisions.*—(a) *Exempt milk.* Milk received at a plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association which is not a handler and which is authorized to collect payment for such milk.

§ 975.13 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.14 *Suspension or termination.*—(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension or termination of the provisions hereof,

except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 975.15 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 975.16 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of August 1947, to be effective on and after the 1st day of September 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8097; Filed, Aug. 29, 1947;
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TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Bureau of Dairy Industry, Department of Agriculture

PART 301—SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER

MISCELLANEOUS AMENDMENTS

On June 11, 1947, a notice of proposed rule-making was published in the FEDERAL REGISTER (12 F. R. 3809), relative to proposed amendments to the regulations (11 F. R. 14674) under the so-called Process or Renovated Butter Act (60 Stat. 300; Pub. Law 427, 79th Cong.), entitled "An act to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes." Consideration having been given to all relevant matter presented, including the proposal set forth in the aforesaid notice, the regulations are, on the basis of the authority contained in the act, hereby amended for the purpose of: (1) Requiring the condemnation of ingredients found to be infested with immature stages of insects, and (2) aiding the effective administrative operation of the regulations by (a) eliminating superfluous terminology, (b) permitting the storage of butter oil in commercial ware-

houses, and (c) permitting the use of less expensive denaturants, as follows:

1. Substitute a comma for the period at the end of § 301.4 (a) and add the following: "Provided, however, That butter oil may be stored in commercial cold storage warehouses."

2. Delete the words "poor" and "satisfactorily" from § 301.4 (c).

3. Amend § 301.4 (d) to read as follows:

§ 301.4 *Sanitary requirements for process or renovated butter factories.* * * *

(d) *Equipment.* All melting tanks, cans, vats, blowing tanks, and settling tanks and equipment used in preparing, cutting, chopping, and otherwise handling the ingredients used in the manufacture of process or renovated butter, shall be made of a noncorrosive metal, or shall be suitably nicked, tinned, or coated with other noncorrosive metal. All such equipment and all churns, butter workers, trucks, trays, and other receptacles, chutes, platforms, racks, tables, and all other utensils, machinery, and equipment used in the packaging, storing, or other handling of process or renovated butter, shall be kept in a clean and sanitary condition.

4. Delete the word "approved" wherever it appears in § 301.4 (e).

5. In § 301.5 (a) delete the words "An approved" under (1) and the word "approved" under (2).

6. Amend § 301.5 (c) to read as follows:

§ 301.5 *Sanitary requirements for process or renovated butter, and for ingredients intended for use in its manufacture.* * * *

(c) *Pure, clean air to be used; approved equipment for purifying air required.* Air used in aerating butter oil in connection with the manufacture of process or renovated butter shall be pure and clean and free from contamination of any kind.

7. Amend the last sentence of § 301.5 (d) to read as follows: "A recording dairy thermometer shall be provided and used to facilitate determinations of proper pasteurization."

8. Place a period after the word "manner" and delete the following words at the end of § 301.5 (f): "in accordance with generally accepted practices of the dairy industry."

9. In § 301.6 (b) and § 301.6 (c) delete the words "or any part thereof" and substitute the following: "including immature stages or parts thereof."

10. In § 301.6 (f) delete the word "or" before "(4)" and add the following after the word "acid": "or (5) one and one-half parts of kerosene."

Accordingly, the aforesaid amendments shall become effective 30 days after publication thereof in the FEDERAL REGISTER.

(60 Stat. 300)

Done at Washington, D. C., this 26th day of August, 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8096; Filed, Aug. 29, 1947;
8:47 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 602—RESERVE OFFICERS TRAINING CORPS

MESS ATTENDANTS

Rescind paragraph (b) of § 602.76 and substitute the following in lieu thereof:

§ 602.76 *Subsistence.* * * *

(b) The employment of civilian mess attendants is authorized. When so employed, they will be compensated from ROTC funds. The total amount available for such compensation is limited to ten cents per student per day. No additional payment of compensation to enlisted cooks and mess personnel is authorized.

[WD Memo. 145-30-3, 24 Feb. 1947 as amended by C3, 6 Aug. 1947] (41 Stat. 778; 10 U. S. C. 441)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-8094; Filed, Aug. 29, 1947;
8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 397]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

PART 61—SCHEDULED AIR CARRIER RULES

TEMPERATURE ACCOUNTABILITY FOR TAKE-OFF LIMITATIONS PERTAINING TO TRANSPORT CATEGORY AIRPLANES USED IN SCHEDULED PASSENGER SERVICE; SPECIAL CIVIL AIR REGULATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of August 1947.

Deviation of outside air temperature from that of standard air can have an appreciable effect upon the take-off performance of an airplane. At the present time the pertinent operating requirements do not take into account such effect adequately. Amendments to Parts 41 and 61 of the Civil Air Regulations to provide temperature accountability are being considered by the Board. However, the implementation of these amendments will take considerable time after their adoption. In the meantime the Board considers it immediately necessary that a direct temperature accountability be applied by these operators to the take-off limitations. The following special Civil Air Regulation is intended to be applied by these operators until the time when the amendments to Parts 41 and 61 concerning temperature accountability become mandatory or are put into effect sooner by the individual operators.

Due to the emergency nature of this regulation, compliance with the notice and procedures required by paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is impracticable, and a delay in the promulgation of this

Special Regulation would not be in the public interest.

Effective September 6, 1947, the following effects of temperature accountability shall be added to the take-off limitations of §§ 41.271 and 61.7122:

For the individual model airplanes enumerated below, the take-off weight or the minimum length of runway, or both, and the critical-engine-failure speed, V_{cr} , shall be further modified to include the following corrections. Correction values shall be applied by adding them algebraically, noting temperatures above the standard as positive, and noting those below the standard as negative.

Airplane	Correction to weight and/or runway length (use either column or combinations)		Correction to V_{cr}
	Pounds/°F.	Feet/°F.	
Lockheed 649, 749	-90	+9	-10
Lockheed 49-45	-65	+6	-0.07
C-54, DC-4	-90	+10	0
DC-6	-70	+10	0
Boeing SA-307B-1	-50	+9	-0.08
Martin 202			
Temp. above Std.	-300	+12.5	0
Temp. below Std.	-110	+15	0

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8104; Filed, Aug. 29, 1947;
8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

ORGANIZATION AND FUNCTIONS; OFFICIAL RECORDS

In § 500.30 *Official records*, paragraph (b) is amended, effective July 25, 1947, by the addition to the list contained in paragraph (b) of the following:

Lender's Application for Insurance (Section 609).

Commitment for Insurance (Section 609).
Contract of Insurance (Section 609).

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup. 1702)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

AUGUST 25, 1947.

[F. R. Doc. 47-8108; Filed, Aug. 29, 1947;
8:47 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

ABOLISHING MONTEZUMA NATIONAL FOREST AND TRANSFERRING ITS LANDS TO UNCOMPAGRE AND SAN JUAN NATIONAL FORESTS

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see

Public Land Order 400 under Title 43, *infra*, abolishing the Montezuma National Forest, Colo., and transferring its lands to the Uncompagre and the San Juan National Forests.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 34—MEDICAL EXAMINATION OF ALIENS

Notice of proposed rule-making, and public rule-making proceedings, having been found to be impracticable in the adoption of the provisions of this part, have been omitted. The regulations herein issued impose no duties on persons outside the agency, and the persons otherwise affected are aliens not yet admitted to the United States, and therefore unavailable for participation in rule-making.

- Sec.
- 34.1 Applicability.
- 34.2 Definitions.
- 34.3 Examinations: by whom made; female aliens.
- 34.4 Scope of examinations.
- 34.5 Aliens free of disease or defect; notation on visa.
- 34.6 Aliens afflicted with disease or defect.
- 34.7 Certificates and notifications; Class A.
- 34.8 Certificates and notifications; Class B.
- 34.9 Certificates and notifications; Class C.
- 34.10 Detention and observation; adequacy of facilities.
- 34.11 Medical and other care; death.
- 34.12 Quarantinable diseases.
- 34.13 Re-examination; convening of boards; expert witnesses; reports.

AUTHORITY: §§ 24.1 to 24.13, inclusive, issued under sec. 16, 39 Stat. 874, secs. 322 (c), 325, 610 (c), 58 Stat. 696, 697, 714; 8 U. S. C. 152, 42 U. S. C., Sup. 249 (c), 249 note, 252.

§ 34.1 *Applicability*. The provisions of this part shall apply to (a) the medical examination and reexamination of aliens presented therefor to the Public Health Service upon the arrival of such aliens at a port of entry, or upon an application for a visa at a foreign consulate of the United States, and (b) the medical and other care, and burial, of aliens admitted to Public Health Service stations and hospitals at the request of the Immigration Service.

§ 34.2 *Definitions*. As used in this part, terms shall have the following meanings:

(a) *Immigration Service*. The Immigration and Naturalization Service of the Department of Justice.

(b) *Loathsome or dangerous contagious disease*. Any of the following diseases:

1. Actinomycosis.
2. Amebiasis.
3. Blastomycosis.
4. Favus.
5. Filariasis.
6. Gonorrhea.
7. Granuloma Inguinale.
8. Keratoconjunctivitis infections.
9. Leishmaniasis.
10. Leprosy.
11. Lymphogranuloma Venereum.
12. Mycetoma.
13. Paragonimiasis.
14. Ringworm of scalp.
15. Schistosomiasis.
16. Chancroid.
17. Syphilis, infectious stage.
18. Trachoma.
19. Trypanosomiasis.
20. Yaws.

(c) *Medical certificate*. A document issued by an examining medical officer to the Immigration Service, signed by him and certifying his findings with respect to an alien's physical and mental condition.

(d) *Medical notification*. A document issued by an examining medical officer to a consular authority, signed by the officer and notifying such authority of his findings with respect to an alien's physical and mental condition.

(e) *Medical officer*. A physician assigned or detailed by the Surgeon General of the Public Health Service to make mental and physical examinations of aliens.

(f) *Medical officer in charge*. A medical officer charged by the Surgeon General with responsibility for the conduct and supervision of all medical examinations made at a designated place or in a designated area.

§ 34.3 *Examinations: by whom made; female aliens*. Aliens presented to the Public Health Service for medical examination shall be examined by medical officers. Female aliens shall be examined only by female medical officers, or in the presence of a female, who may be an assistant to a medical officer.

§ 34.4 *Scope of examinations*. In performing examinations and re-examinations, medical officers shall give consideration to only those matters which relate to the physical or mental condition of the alien, and shall issue certificates or notifications of a disease or defect as hereinafter provided only if the presence of such disease or defect is clearly established.

§ 34.5 *Aliens free of disease or defect; notation on visa*. If an alien is found to have no physical or mental disease or defect, medical officers shall so indicate by notation on his visa.

§ 34.6 *Aliens afflicted with disease or defect*. If an alien is found to have one or more physical or mental diseases or defects, medical officers shall report their findings to the Immigration Service, by medical certificate, or to the presenting consular authority, by medical notification.

§ 34.7 *Certificates and notifications; Class A*. A Class A certificate or a Class A notification shall be issued with respect to any alien who is found to be afflicted with any of the following diseases or defects:

- (a) Tuberculosis in any form;
- (b) A loathsome or dangerous contagious disease;
- (c) Idiocy, imbecility, feeble-mindedness, epilepsy, insanity, chronic alcoholism, or constitutional psychopathic inferiority;

(d) A mental defect not enumerated in paragraph (c) of this section; *Provided, however*, That a Class A certificate or Class A notification shall in no case be issued with respect to an alien having only mental shortcomings due to ignorance, or suffering only from a mental condition attributable to remedial physical causes, or from a psychosis of a temporary nature caused by a toxin, drug, or disease.

§ 34.8 *Certificates and notifications; Class B.* A Class B certificate, or Class B notification, shall be issued with respect to an alien who has a physical defect which is of such a nature that it may affect his ability to earn a living. The certificate, or notification, shall state the nature and extent of the physical defect, whether it is chronic or permanent, and the extent to which it is likely to render the alien incapable of pursuing a vocation or profession for which he has particular training or experience, or, if he has no such vocation or profession, incapable of performing ordinary physical or manual work.

§ 34.9 *Certificates and notifications; Class C.* A Class C Certificate, or Class C notification, shall be issued with respect to an alien who has a disease or defect other than those for which a Class A or Class B certificate (or notification) is required to be issued.

§ 34.10 *Detention and observation; adequacy of facilities.* (a) Whenever, upon an examination, it appears to the medical officer in charge that there is doubt about the physical or mental condition of an alien, the alien shall be held over for such observation and further examination as may be reasonably necessary to determine his physical or mental condition.

(b) When in the judgment of the medical officer in charge, a medical examination or re-examination cannot be satisfactorily completed at a station or place at which it is undertaken, such examination or re-examination shall be discontinued and such officer shall recommend to the presenting authority that the alien be removed to a place where the examination or re-examination may be satisfactorily completed.

§ 34.11 *Medical and other care; death.* (a) Upon request of the Immigration Service, an alien detained by it shall be admitted to a hospital or station of the Public Health Service and receive therein necessary medical, surgical, and dental care. An alien found, in the course of an examination or re-examination, to be in need of emergency care shall be given such care to the extent deemed practicable by the medical officer in charge, and if in need of further care, he shall be returned to the presenting authority with the medical officer's recommendations concerning such further care.

(b) In case of death of an alien the body shall be delivered to the presenting authority; but if such death occurs in the United States, or in a territory or possession thereof, public burial shall be provided upon request of the Immigration Service and subject to its agreement to pay the burial expenses. Autopsies shall not be performed unless approved by the Immigration Service.

§ 34.12 *Quarantinable diseases.* Any alien arriving at a port of the United States who, in the course of a medical examination, is found to be infected with a disease defined as quarantinable under Part 11 of this chapter (Foreign Quarantine Regulations of the Public Health Service) shall be held under observation, isolated and released in accordance with

the applicable provisions of such regulations.

§ 34.13 *Re-examination; convening of boards; expert witnesses; reports.* (a) The Surgeon General, or when authorized, a medical officer in charge, shall convene a board of medical officers to re-examine an alien

(1) Upon the request of the Immigration Service for a re-examination by such a board, or

(2) Upon an appeal by the alien from a certificate of insanity or mental defect, issued at a port of entry.

(b) Such a board shall consist of three, when practicable, but in no case less than two, medical officers. In the event that a board consists of three medical officers, the decision of the majority thereof shall prevail.

(c) Re-examination shall include:

(1) A medical examination by the board;

(2) A review of all records submitted;

(3) Use of any laboratory or diagnostic methods or tests deemed advisable; and

(4) Consideration of statements regarding the alien's physical or mental condition made by a reputable physician after his examination of the alien.

(d) An alien who is to be re-examined shall be notified of the time and place of his re-examination not less than five days prior thereto.

(e) An alien being re-examined may introduce as witnesses before the board such physicians or medical experts as the board may in its discretion permit, at his own cost and expense, *Provided*, That an alien who has appealed from a certificate of insanity or mental defect shall be permitted to introduce at least one expert medical witness. If witnesses offered are not permitted by the board to testify, the record of the proceedings shall show the reason for the denial of permission.

(f) Witnesses before the board shall be given an adequate opportunity to examine medical certificates involved in the re-examination and to present all relevant and material evidence, orally or in writing, until such time as the proceedings are declared by the board to be closed.

(g) The findings and conclusions of the board shall be based on its medical examination of the alien and on the evidence presented to it and made a part of the record of its proceedings.

(h) The board shall report its findings and conclusions to the Immigration Service, and shall also give prompt notice thereof to the alien if the re-examination has been held upon his appeal. The board's report to the Immigration Service shall specifically affirm, modify, or reject the findings and conclusions of prior examining medical officers.

(i) If the board finds that an alien re-examined by it has a disease or defect not previously certified, it shall issue its certificate in accordance with the applicable provisions of this part.

(j) After submission of its report, the board shall not be reconvened in the same case except upon the express authorization of the Surgeon General.

Effective date. The provisions of this part shall be effective 30 days after publication in the FEDERAL REGISTER.

Dated: August 26, 1947.

[SEAL] JAMES A. CRABTREE,
Acting Surgeon General.

Approved: August 26, 1947.

MAURICE COLLINS,
Acting Federal Security
Administrator.

[F. R. Doc. 47-8100; Filed, Aug. 29, 1947;
8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

NEVADA GRAZING DISTRICT NO. 5

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see F. R. Document 47-8085 under Department of the Interior in the Notices section, *infra*, eliminating certain lands from Nevada Grazing District No. 5.

Appendix—Public Land Orders [Public Land Order 400]

COLORADO

ABOLISHING THE MONTEZUMA-NATIONAL FOREST AND TRANSFERRING ITS LANDS TO THE UNCOMPAGHRE AND THE SAN JUAN NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C. Title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, and upon the recommendation of the Assistant Secretary of Agriculture, it is ordered as follows:

The Montezuma National Forest, Colorado, as defined by Proclamation No. 1076 of August 15, 1910 (36 Stat. 2735), and as subsequently modified, is hereby abolished and the lands heretofore comprising said national forest are transferred to and consolidated with the Uncompahgre and the San Juan National Forests, effective July 1, 1947, as follows:

The lands within the exterior boundaries of the Montezuma National Forest in San Miguel County, Colorado, and described as follows, are hereby transferred to the Uncompahgre National Forest:

NEW MEXICO PRINCIPAL MERIDIAN

Tps. 41, 42, and 43 N., R. 8 W.,

All those parts west of the divide between the Animas and Uncompahgre Rivers and the San Miguel River.

T. 41 N., R. 9 W.,

All that part north of the divide between the Animas and Dolores Rivers and the San Miguel River.

T. 42 N., R. 9 W.

Tps. 43 and 44 N., R. 9 W.,

All those parts south of the divide between Uncompahgre River and the San Miguel River.

T. 41 N., R. 10 W.,

All that part north of the divide between Dolores River and San Miguel River.

RULES AND REGULATIONS

T. 42 N., R. 10 W.,
Secs. 1, 7, and 8;
Secs. 12 to 30, inclusive;
Secs. 31 and 32, those parts north of the divide between Dolores River and San Miguel River;
Secs. 33 to 36, inclusive.

T. 43 N., R. 10 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 24, 25, and 36.

T. 44 N., R. 10 W.,
Secs. 27, 34, and 35;
Secs. 22, 23, 25, 26, and 36, those parts south of the divide between Uncompahgre River and San Miguel River.

T. 41 N., R. 11 W.,
All that part north of the divide between Dolores River and San Miguel River.

T. 42 N., R. 11 W.,
Sec. 3, W $\frac{1}{2}$;
Secs. 4 to 34, inclusive;
Secs. 35 and 36, those parts north of the divide between Dolores River and San Miguel River.

T. 43 N., R. 11 W.,
Sec. 29, S $\frac{1}{2}$;
Secs. 30, 31, and 32;
Sec. 33, W $\frac{1}{2}$.

Tps. 41 and 42 N., R. 12 W.,
All those parts north of the divide between Dolores River and San Miguel River.

T. 44 N., R. 12 W.,
Sec. 6, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$.

T. 42 N., R. 13 W.,
Secs. 1, 2, 3, and 10 to 15, inclusive;
Sec. 24, that part north and east of the divide between Disappointment Creek and San Miguel River.

T. 43 N., R. 13 W.,
Secs. 3, 4, 5, and 6;
Sec. 8, E $\frac{1}{2}$;
Secs. 9 and 10;
Sec. 11, SW $\frac{1}{4}$;
Sec. 14, W $\frac{1}{2}$;
Secs. 15 and 16;
Sec. 17, E $\frac{1}{2}$;
Secs. 22 and 23.

T. 44 N., R. 13 W.,
Secs. 7, 8, and 9;
Sec. 14, SW $\frac{1}{4}$;
Sec. 15, S $\frac{1}{2}$;
Secs. 16 to 22, inclusive;
Sec. 23, NW $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
Secs. 28 to 33, inclusive;
Sec. 34, S $\frac{1}{2}$.

T. 44 N., R. 14 W.,
Secs. 10 to 15, inclusive;
Sec. 21, E $\frac{1}{2}$;
Secs. 22 to 27, inclusive;
Sec. 28, E $\frac{1}{2}$;
Secs. 35 and 36.

T. 42 N., R. 16 W.,
Sec. 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 42 N., R. 17 W.,
Sec. 16, SW $\frac{1}{4}$;
Sec. 17, SE $\frac{1}{4}$.

T. 42 N., R. 18 W.,
Sec. 8, E $\frac{1}{2}$;
Secs. 9, 10, and 15;
Sec. 16, N $\frac{1}{2}$ and SE $\frac{1}{4}$;
Sec. 17, NE $\frac{1}{4}$;
Sec. 21, E $\frac{1}{2}$;
Sec. 22;
Sec. 23, that part west of the Dolores River.

The remainder of the lands within the exterior boundaries of the Montezuma National Forest, Colorado, described as follows, are transferred to the San Juan National Forest:

NEW MEXICO PRINCIPAL MERIDIAN

Tps. 40 and 41 N., R. 9 W.,
All those parts west of the divide between Animas and Dolores Rivers and San Miguel River.

Tps. 39 and 40 N., R. 10 W.,
All those parts north and west of the divide between Animas River and Dolores River.

T. 41 N., R. 10 W.,
All that part south and west of the divide between San Miguel River and Dolores River.

T. 42 N., R. 10 W.,
Secs. 32 and 33, those parts south of the divide between San Miguel River and Dolores River.

Tps. 36, 37, 38, and 39 N., R. 11 W.,
All those parts north and west of the divide between Animas River and Dolores River.

T. 40 N., R. 11 W.,
Tps. 41 and 42 N., R. 11 W.,
All those parts south of the divide between San Miguel River and Dolores River.

Tps. 36, 37, 38, 39, and 40 N., R. 12 W.,
Tps. 41 and 42 N., R. 12 W.,
All those parts south and west of the divide between San Miguel River and Dolores River.

T. 36 N., R. 13 W.,
Sec. 26, S $\frac{1}{2}$ NW $\frac{1}{4}$.

Tps. 37, 38, and 39 N., R. 13 W.,
T. 40 N., R. 13 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 19 to 36, inclusive.

T. 42 N., R. 13 W.,
Secs. 22 and 23;
Sec. 24, that part south and west of the divide between San Miguel River and Disappointment Creek;
Secs. 25, 26, 27, 34, 35, and 36.

T. 37 N., R. 14 W.,
Secs. 1 to 13, inclusive;
Sec. 14, E $\frac{1}{2}$;
Sec. 23, E $\frac{1}{2}$;
Sec. 24;
Sec. 25, N $\frac{1}{2}$;
Sec. 26, NE $\frac{1}{4}$.

Tps. 38 and 39 N., R. 14 W.,
T. 40 N., R. 14 W.,
Secs. 33 to 36, inclusive.

T. 37 N., R. 15 W.,
Sec. 1;
Sec. 4, SW $\frac{1}{4}$;
Sec. 5, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 38 N., R. 15 W.,
Secs. 1 to 6, inclusive;
Secs. 7, N $\frac{1}{2}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 8 to 17, inclusive;
Sec. 18, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 19, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Secs. 20 to 29, inclusive;
Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$;
Secs. 35 and 36.

T. 39 N., R. 15 W.,
Secs. 1, 2, and 7 to 36, inclusive.

T. 41 N., R. 15 W.,
T. 39 N., R. 16 W.,
Secs. 1 to 18, inclusive;
Sec. 19, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 20 to 28, inclusive;
Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 35 and 36.

Tps. 40 and 41 N., R. 16 W.,
T. 42 N., R. 16 W.,
Sec. 31;
Sec. 32, W $\frac{1}{2}$.

T. 39 N., R. 17 W.,
Secs. 1, 2, and 3;
Sec. 4, E $\frac{1}{2}$;
Sec. 9, E $\frac{1}{2}$;
Secs. 10 to 15, inclusive;
Sec. 16, E $\frac{1}{2}$;
Sec. 22, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 23, N $\frac{1}{2}$;
Sec. 24, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$.

T. 40 N., R. 17 W.,
Secs. 1 to 15, inclusive;
Sec. 16, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 21, E $\frac{1}{2}$ E $\frac{1}{2}$;
Secs. 22 to 27, inclusive;
Sec. 28, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Secs. 34, 35, and 36.

T. 41 N., R. 17 W.,
T. 42 N., R. 17 W.,
Secs. 19 to 22, inclusive;

Sec. 25, SW $\frac{1}{4}$;
Secs. 26 to 36, inclusive.

T. 41 N., R. 18 W.,
Secs. 1, 2, and 3.

T. 42 N., R. 18 W.,
Sec. 23, that part east of the Dolores River;
Secs. 24 to 27, inclusive;
Sec. 28, E $\frac{1}{2}$;
Sec. 33, E $\frac{1}{2}$;
Secs. 34, 35, and 36.

It is not intended by this order to give a national-forest status to any publicly-owned lands which have not hitherto had such a status, or to change the status of any publicly-owned lands which have hitherto had national-forest status.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8087; Filed, Aug. 29, 1947;
8:48 a. m.]

[Public Land Order 401]

MISSISSIPPI

MODIFYING NOXUBEE NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and contained in section 32, Title III, of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 522, 525 (U. S. C., Title 7, secs. 1010-1013), and pursuant to Executive Order No. 9337 of April 24, 1943, and finding that such action will best serve the purposes of the said Bankhead-Jones Farm Tenant Act, it is ordered as follows:

Subject to valid existing rights and upon the recommendation of the Secretary of Agriculture, all lands and waters acquired by the United States within the following-described area are hereby added to and reserved as a part of the Noxubee National Wildlife Refuge established by Executive Order No. 8444 of June 14, 1940: *Provided*, That any private lands within the area shall become a part of the refuge upon the acquisition of title thereto or control thereof by the United States:

CHOCTAW MERIDIAN

T. 15 N., R. 18 E.,
Sec. 1, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 2, E $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 16 N., R. 13 E.,
Sec. 23, that part of the S $\frac{1}{2}$ lying south of the Louisville-Starkville Road and east of the Betheden Road;
Sec. 24, that part lying south of the Louisville-Starkville Road;
Sec. 25;
Sec. 26, that part lying east of the Betheden Road;
Sec. 35, NE $\frac{1}{4}$ and those parts of the NW $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying east of the Betheden Road, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36, N $\frac{1}{2}$ and SW $\frac{1}{4}$.

T. 16 N., R. 14 E.,
Sec. 19, that part lying west of the Bevils Hill-Scattertown-Singleton Road;
Sec. 30, that part lying west of the Bevils Hill-Scattertown-Singleton Road;
Sec. 31, N $\frac{1}{2}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, those parts of the NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ lying west of the Bevils Hill-Scattertown-Singleton Road.

The areas described aggregate approximately 3,160 acres.

The public lands in the following-described areas are hereby eliminated from the refuge, and jurisdiction thereover is transferred to the Secretary of Agriculture.

CHOCTAW MERIDIAN

T. 17 N., R. 14 E.,

Sec. 5, N $\frac{1}{2}$, SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 6, E $\frac{1}{2}$ and that part of the E $\frac{1}{2}$ SW $\frac{1}{4}$ lying east of the Louisville-Starkville Road;

Sec. 7, that part lying east of the Louisville-Starkville Road;

Sec. 8, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Secs. 17 and 18.

T. 18 N., R. 14 E.,

Sec. 31, SW $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 32, SW $\frac{1}{4}$.

The areas described aggregate approximately 3,480 acres.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8088; Filed, Aug. 29, 1947;
8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71-85—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES.¹

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of August A. D. 1947.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles:

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

Part 3—Regulations Applying to Shippers (CFR 75)

1. Superseding and amending paragraph (b), section 182 *Nitrates*, order June 29, 1945, to read as follows:

(b) In bags in tight cars or motor vehicles. Ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate and guanidine nitrate in bags must be loaded in all wood box cars, or wooden box cars with steel roofs or steel box cars with wooden floors. Motor vehicles should be of closed type, but not of all metal construction, or lading consisting of bags should be covered.

¹ Parts 3 and 4 of this order appear in CFR as Parts 75 and 80.

2. Superseding and amending section 183 *Packing nitrates—exemptions*, order July 28, 1947, to read as follows:

183 Nitrate of aluminum, nitrate of barium, nitrate of lead, nitrate of potash, nitrate of sodium (nitrate of soda), nitrate of strontia, nitro carbo nitrate, or other inorganic nitrates are exempt from specification packaging, marking and labeling requirements for transportation by rail freight, rail express, and highway and nitrate of ammonia, nitrate of ammonia fertilizer, calcium nitrate and guanidine nitrate, are exempt from specification packaging and marking, other than name of contents, requirements for transportation by rail freight, rail express and highway, when packaged as follows: In metal cans in outside fiber-board boxes; in wooden boxes, kegs, or barrels, metal cans, metal drums or fiber drums; in glass bottles in outside fiber boxes not exceeding 50 pounds net weight; calcium nitrate in bags; ammonium nitrate, ammonium nitrate fertilizer, or guanidine nitrate in bags containing not over 200 pounds net weight, made moisture proof, tight against sifting, and of strength not less than bags made of 8-ounce burlap. When for transportation by carrier by water they are exempt from specification packaging and marking, other than name of contents, and labeling requirements, except that ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate and guanidine nitrate shipments must be labeled. (See column 5 of Commodity List, Part 2 for maximum quantity that may be shipped in one outside package by express.)

Part 4—Regulations Applying Particularly to Carriers by Rail Freight (CFR 80)

3. Amending section 532 *Loading packages, etc.*, order August 16, 1940, as follows (add):

(k) Ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate, guanidine nitrate.

(k) (1) Ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate, and guanidine nitrate in bags must be loaded in all wood box cars, or wooden box cars with steel roofs, or steel box cars with wooden floors. Only clean cars must be used and must be free of any projections that would injure bags.

Part 7—Regulations Applying to Shipments Made by Way of Common, Contract or Private Carriers by Public Highway (CFR 85)

4. Amending section 823 *Inflammable solids and oxidizing materials*, order November 8, 1941, as follows (add):

(e) (8) Ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate, and guanidine nitrate in bags must be loaded in closed motor vehicles not of all metal construction, or if open body vehicles are used the lading must be covered. Only clean vehicles must be used and must be free of any projections that would injure bags.

5. Amending page 20, order July 28, 1947, by adding paragraph as follows:

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after date of service hereof;

6. Superseding and amending note to paragraph (h), section 548 *Application of placards*, order July 28, 1947, to read as follows:

Because of the present emergency and until further order of the Commission, gondola cars used for the shipments of bombs or poison gas, may be placarded on both sides and both ends of car.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after August 21, 1947, and shall be observed until further order of the Commission;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-8092; Filed, Aug. 29, 1947;
8:47 a. m.]

[S. O. 768]

PART 95—CAR SERVICE

FREE TIME ON BOX CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of August A. D. 1947.

It appearing, that there is a critical shortage of box cars and that free time published in tariffs for loading such cars at ports aggravates the shortage thereof; in the opinion of the Commission an emergency exists requiring immediate action at all ports of the country to alleviate the box car shortage.

It is ordered, That no common carrier by railroad, subject to the Interstate Commerce Act, shall:

(a) Free time on box cars loaded at ports. Allow, grant or permit more than a total of 5 days free time on any car held after loading at the point of transshipment from vessel to car or when held out of such transfer point prior to the receipt of proper forwarding directions on such car. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission.

(b) Forwarding box cars loaded at ports. Each common carrier by railroad, subject to the Interstate Commerce Act, shall, not later than twenty-four (24) hours after the receipt of proper forwarding directions, place each box car loaded with freight transferred from a vessel to such car, in an outbound train

and forward said car to the destination specified in the forwarding directions.

(c) *Computation of free time.* (1) All Sundays and legal holidays shall be included in computing the free time provided in paragraph (a).

(2) The free time provided in paragraph (a) hereof shall be computed continuously from the first 7:00 a. m. after actual loading of each car is completed.

(d) *Definition of box car.* The term "box car" as used herein means freight equipment having a mechanical designation in the Official Railway Equipment Register prefixed by "X" or "V".

(e) *Effective date.* This order shall become effective at 7:00 a. m., September 2, 1947.

(f) *Expiration date.* This order shall expire at 7:00 a. m., March 1, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(g) *Tariff provisions suspended.* The operation of all tariff rules and regulations, insofar as they conflict with the provisions of this order is hereby suspended.

(h) *Announcement of suspension.* Each railroad, or its agent shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provision set forth herein.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general

public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-8093; Filed, Aug. 29, 1947;
8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

NOXUBEE NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For order affecting the tabulation contained in § 11.1, see Public Land Order 401 under Title 43, *supra*, modifying the Noxubee National Wildlife Refuge.

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

PIEDMONT NATIONAL WILDLIFE REFUGE, GEORGIA; FISHING

Section 27.732 is revised to read as follows:

§ 27.732 *Piedmont National Wildlife Refuge, Georgia; fishing.* Non-commercial fishing in accordance with the State laws of Georgia is permitted during the daylight hours in the waters of the artificial pond on the Piedmont National

Wildlife Refuge, known as the "Five Points Lake" situated west of Five Points on Tract 490, being west of the Dames Ferry—Wayside Road.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All fishermen must comply with all State fishing laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing in the refuge. The use of live minnows for bait is not permitted.

Persons may use boats (except motor boats), canoes, or floated devices for fishing on the waters of the refuge, but may place such boats, canoes, or floated devices on the waters of the refuge only at such point or points as may be designated by posting by the officer in charge. The use of motor boats, either inboard or outboard is prohibited on all waters of the refuge except for official purposes.

State cooperation may be enlisted in the regulation, management, and operation of the public fishing areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of fishing. (Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i).

Dated: August 21, 1947.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 47-8077; Filed, Aug. 29, 1947;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 933]

[Admin. No. 35]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA AND DESIGNATING AGENT TO CONDUCT SUCH REFERENDUM; DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.) it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1946, to July 31, 1947 (which period is hereby determined to be a representative period for

the purpose of such referendum), were engaged in the State of Florida in the production of oranges, grapefruit, or tangerines for market, to determine whether such producers favor the issuance of an order amending Order No. 33, as amended (7 CFR, Supps., 933.1 et seq.), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, which is attached to the decision¹ of the Secretary of Agriculture filed simultaneously herewith; and Minard F. Miller, Field Representative, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Drane Building, P. O. Box 19, Lakeland, Florida, is hereby designated agent of the Secretary of Agriculture to perform the following functions:

(1) Conduct said referendum in accordance with the rules and limitations herein set forth, giving an opportunity to each producer of oranges, grapefruit,

or tangerines grown in the State of Florida to cast his ballot relative to the aforesaid proposed amendment on forms furnished by the Secretary of Agriculture. A cooperative association of such producers, bona fide engaged in marketing such oranges, grapefruit, or tangerines may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association, and the vote of such cooperative association shall be considered as the vote of all such producers.

(2) Determine the time of commencement, duration, and termination of the period of the referendum: *Provided*, That the referendum shall be completed prior to October 25, 1947.

(3) Determine the necessary number of polling places, designate and announce such polling places, the area to be served by each such polling place, and the hours during which such polling places will be open: *Provided*, That all such polling places shall remain open not less than four (4) consecutive daylight hours during each day announced.

¹ See F. R. Doc. 47-8098, *infra*.

(4) In addition to the designation and announcement of polling places, if the said agent determines it advisable (a) conduct meetings of producers and arrange for balloting thereat, in which event such balloting shall continue until all of the producers who are present and desire to do so have had an opportunity to vote, and (b) arrange for balloting by mail, in which event the said agent shall designate the place or places to which such ballots shall be mailed and shall give notice of the last date on which such ballots must be placed in the mail.

(5) Give public notice of the time and place of balloting and of each meeting authorized herein (a) by posting a notice thereof, at least three (3) days in advance of the first voting day, at each polling place and at each meeting place, (b) by issuing a press release in newspapers having general circulation in the citrus producing districts (as such districts are defined in the aforesaid amended order) of Florida, and (c) by such other means as the said agent may deem advisable.

(6) Appoint any of the county agricultural extension agents in the counties of Florida, or any other persons deemed necessary or desirable, to assist the said agent in carrying out his duties hereunder; *Provided*, That such county agricultural extension agents and other persons so appointed shall serve without compensation and may be authorized, by the said agent, to perform the following functions in accordance with the rules set forth herein:

(a) Give public notice of the referendum in the manner specified herein.

(b) Preside as a poll officer at a designated polling place.

(c) Distribute ballots to producers and receive such ballots after they are cast.

(d) Secure the name and address of each person casting a ballot, and inquire into the eligibility of each such person to vote.

(e) Forward to Minard F. Miller, Drane Building, P. O. Box 19, Lakeland, Florida, immediately after the close of the referendum, the following: (i) the name and address of each producer who cast a ballot at the polling place designated for such poll officer and whose ballot was received by such officer; (ii) all of such ballots which were received by the officer, together with his certificate that the ballots forwarded are all of the ballots cast and received during the referendum period at the designated polling place; (iii) a statement showing the time and place the notice of referendum was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and (iv) a detailed statement explaining the method used in giving publicity to such referendum.

(7) Upon receipt by the designated agent of all ballots cast and such other documents as are required pursuant hereto, the ballots shall be canvassed by him and the results of the referendum shall be forwarded with the ballots and other required documents to the Fruit and Vegetable Branch, Production and Marketing Administration, United States

Department of Agriculture, Washington 25, D. C.

The Fruit and Vegetable Branch shall prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

The designated agent and any appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot shall be challenged by any other person, said agent or appointee shall endorse, above his signature, on the back of said ballot a statement to the effect that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

All ballots shall be treated as confidential and the contents thereof shall not be divulged except to (1) the Secretary of Agriculture, (2) his agent designated herein to conduct such referendum, (3) members of the Production and Marketing Administration, United States Department of Agriculture, (4) members of the Office of the Solicitor, United States Department of Agriculture, and (5) such other persons as the Secretary may hereafter designate.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the rules and the limitations herein set forth, to govern the procedure to be followed by the said agent and appointees in conducting said referendum.

Done at Washington, D. C., this 26th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8099; Filed, Aug. 29, 1947;
8:47 a. m.]

[7 CFR, Part 933]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held at Vero Beach, Florida, on May 12, 1947, and at Lakeland, Florida, on May 14, 1947, pursuant to notice thereof which was published

in the FEDERAL REGISTER (12 F. R. 2809) upon proposed further amendments to Marketing Agreement No. 84, as amended (hereinafter referred to as the "marketing agreement"), and Order No. 33, as amended (7 CFR and Supps., 933.1 et seq.), (hereinafter referred to as the "order") regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program became effective February 22, 1939.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 22, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER on July 26, 1947 (12 F. R. 4995).

Material issues. The material issues presented on the record of the hearing were concerned with the following:

(1) Amending the marketing agreement and order to provide for the issuance of regulations which may specify that shipments of any variety (as such term is defined in the marketing agreement and order) grown in Regulation Area II, as defined in the aforesaid notice of hearing, shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I, likewise defined in the hearing notice; and

(2) Establishing Regulation Area I and Regulation Area II.

Exceptions were filed by or on behalf of the Ladd Packing Company, Marion County Growers and Shippers, and W. M. Davidson within the time prescribed for such action and related to the findings and conclusions contained in the aforesaid recommended decision. With regard to the findings and conclusions of the recommended decision to which specific exceptions have been taken, this decision contains a ruling thereon in the discussion of the material issues to which the exception refers.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, and which are substantially the same as the findings and conclusions which were set forth in connection with the respective issues in the aforementioned recommended decision, are as follows:

(1) The marketing agreement and order should be amended to provide for the issuance of regulations which may specify that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I.

Substantial differences exist between Regulation Area I and Regulation Area II with regard to cultural, grading, packing, and marketing practices insofar as they apply to the citrus fruits covered by the marketing agreement and order.

A distinctive heavy hammock soil is found in Regulation Area II. The land within this area, on which citrus fruits are grown, is low and flat. These low lands require an elaborate system of drainage ditches, which are not found in the groves located in Regulation Area I, since such groves are usually on rolling, sandy type soils. Most of the groves in Regulation Area II are irrigated. Due to the ridging practices followed in Regulation Area II, citrus groves in such area are smaller in acreage than those in Regulation Area I. Other cultural practices in Regulation Area II, such as preparing the land for citrus fruit trees, cultivating, and control of insects differ in varying degrees from practices in Regulation Area I. Citrus fruit yields are generally lower per acre in Regulation Area II than yields in Regulation Area I, and production costs per box are higher. Fruit discoloration in Regulation Area II is more prevalent but is smoother and less unsightly. The fruit grown in Regulation Area II is, on the average, more tender and the peel is thinner than that grown in Regulation Area I. These and other differences in characteristics of the fruit grown in the two areas are due to the differences in soils and cultural practices.

Grading practices are different in the two areas. In Regulation Area I, citrus fruit is generally marketed as U. S. Combination grade¹ fruit which consists of a mixture of both U. S. No. 1 grade¹ and U. S. No. 2 grade¹ fruit. In Regulation Area II, however, the U. S. No. 1 grade fruit and the U. S. No. 2 grade fruit are separated in the packing house and are sold separately in the markets. The latter method of grading is more costly than the former method. This difference in grading practices has existed for several years. In the past, this difference has prevented the institution, at certain times, of grade and size regulations limiting shipments of citrus fruits to such grades of fruit as the then current marketing conditions warranted. If these regulations were made effective, then shippers in Regulation Area II would have been forced to change their grading practices. The proposed amendments would provide the necessary flexibility in the operation of the marketing agreement and order program to meet changing marketing conditions, and would not tend to decrease the volume of Florida citrus fruit marketed in interstate commerce. Such regulations, if issued, would result (i) in better quality fruit being shipped, and (ii) higher average prices being received by producers for such fruit; and would protect the interests of consumers by the shipment of better fruit.

Citrus fruits grown in Regulation Area II are generally packed in the nailed wooden box whereas most of the fruit grown in Regulation Area I is packed in the wire bound box. The nailed box is higher in cost than the wire bound box.

Some differences in the marketing of citrus fruits exist between Regulation Area I and Regulation Area II. A greater percentage of the fruit grown in Regulation Area II is marketed in fresh form than that grown in Regulation Area I, while a greater percentage of the fruit grown in Regulation Area I is sold for processing than that grown in Regulation Area II. Although the production of fruit in Regulation Area II during the last five years constituted only 7.6 percent of the total production in the State of Florida, approximately 25 to 30 percent of the fresh grapefruit shipped out of the State of Florida during this period was grown in Regulation Area II. Citrus fruit grown in Regulation Area II commands a higher average price on the auction markets than does fruit grown in Regulation Area I. During the seasons 1941-42 to 1945-46 such prices averaged per box 48 cents higher for early and midseason oranges, 40 cents higher for Temple oranges, 28 cents higher for Valencia oranges, 43 cents higher for white seeded grapefruit, 61 cents higher for white seedless grapefruit, 44 cents higher for pink seeded grapefruit, and 45 cents higher for pink seedless grapefruit.

Citrus fruit grown in Regulation Area II competes in the market with that grown in Regulation Area I. The marketing agreement and order program is concerned with problems which arise in every citrus fruit area in the State of Florida, and the same marketing agreement and order should continue to cover all areas within the State. During the major portion of each marketing season, grade and size regulations would in all probability be uniform in Regulation Area I and Regulation Area II. The regulations should be recommended by the same administrative and advisory committees which have administered the marketing agreement and order since their inception.

A handler excepted on the ground that all of the "St. John's River territory" should be included in Regulation Area II. The record contains no evidence to indicate that this should be done. Other exceptions were based on the grounds that the findings and conclusions contained in the aforesaid recommended decision are not applicable particularly to oranges grown in the "Orange Lake Basin Area" and to Marion County, and that conditions which exist in these two areas are similar to those in Regulation Area II rather than to those in Regulation Area I. These contentions are not supported by the record.

(2) Regulation Area I and Regulation Area II should be established as set forth in the aforesaid notice of hearing.

The boundary line between Regulation Area I and Regulation Area II is a natural one geographically inasmuch as it is clearly demarcated by swamps, rivers, lakes, canals, and other natural landmarks. No groves are located on the boundary line; and along almost the entire length of the boundary line the nearest groves are several miles distant from the line. This line is almost identical to the boundary line established for the Indian River Citrus Area by the laws of

the State of Florida. Such laws provide that only fruit grown within the Indian River Citrus Area, which corresponds to Regulation Area II as defined in the aforesaid hearing notice, may be sold under the name or brand of Indian River Citrus Fruit.

The Federal Trade Commission has defined the Indian River Area in general terms and has issued orders, in cases investigated by the commission, that shippers may not market fruit grown in Regulation Area I under an Indian River stamp or label. The Office of Price Administration established price ceilings for citrus fruit varieties grown in the Indian River area which were higher per box than those established for the same varieties grown in Regulation Area I.

Two exceptions were filed on the grounds that the findings and conclusions contained in the aforesaid recommended decision are not applicable particularly to oranges grown in the "Orange Lake Basin Area" and to Marion County, and that conditions which exist in these two areas are similar to those in Regulation Area II rather than to those in Regulation Area I. The evidence contained on the record of the hearing does not support these grounds.

General. (1) The marketing agreement, as amended and as hereby proposed to be further amended, and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions of each such document will tend to effectuate the declared policy of the act; and

(2) The marketing agreement, as amended and as hereby proposed to be further amended, and the order, as amended and as hereby proposed to be further amended, regulate the handling of oranges, grapefruit, and tangerines, grown in the State of Florida, in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held.

(3) There are differences in the production and marketing of said fruit in the production area covered by said marketing agreement, as amended and as hereby proposed to be further amended, and of the marketing order, as amended and as hereby proposed to be further amended, that make necessary different terms and provisions applicable to different parts of such area, and the proposed terms and provisions, so far as practicable, give due recognition to such differences.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Oranges, Grapefruit, and Tangerines Grown in the State of Florida" and "Order Amending the Order, as Amended, Regulating the Handling of Oranges, Grapefruit, and Tangerines Grown in the State of Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of

¹ Such grades are set forth in the United States Standards for Citrus Fruits, as amended (11 F. R. 13239; 12 F. R. 1), and in the United States Standards for Tangerines (12 F. R. 2619).

the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement, as amended, are identical with those contained in the attached order amending the order, as amended, which will be published with this decision.

This decision filed at Washington, D. C., this 26th day of August 1947.

§ 933.0 Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held at Vero Beach, Florida, on May 12, 1947, and at Lakeland, Florida, on May 14, 1947, upon proposed further amendments to the marketing agreement, as amended, and to Order No. 33, as amended (7 CFR, Supps., 933.1 et seq.), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(a) The said order, as amended and as hereby further amended,¹ and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The said order, as amended and as hereby further amended, regulates the handling of oranges, grapefruit, and tangerines grown in the State of Florida in the same manner as the aforementioned marketing agreement, as amended and as further amended effective as of the same time as the further amendment of the said order, as amended, and the said order, as amended and as hereby further amended, is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) There are differences in the production and marketing of said fruit in the production area covered by the said marketing order, as amended and as hereby further amended, that make necessary different terms and provisions applicable to different parts of such area, and the terms and provisions hereof, so far as practicable, give due recognition to such differences.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of the previously issued amendment thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of oranges, grapefruit, and tangerines grown in the State of Florida shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and such order, as amended, is hereby further amended as follows:

1. Add to § 933.1 Definitions of the order the following new paragraphs:

(m) "Regulation Area I" shall include all that part of the State of Florida not included in Regulation Area II.

(n) "Regulation Area II" shall include that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14 South, Range 31 East; thence East to the Northwest corner of Township 15 South, Range 32 East; thence South to the Southwest corner of Township 17 South, Range 32 East; thence East to the Northwest corner of Township 18 South, Range 33 East; thence South to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence South to the South line of Brevard County; thence East to the line between Ranges 36 East and 37 East; thence South to the Southwest corner of St. Lucie County; thence East to the line between Ranges 39 East and 40 East; thence South to the South line of Martin County; thence East to the line between Ranges 40 East and 41 East; thence South to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence East to the shore of the Atlantic Ocean; thence Northerly along the shore of the Atlantic Ocean to the point of beginning.

2. Delete the provisions in subparagraph (b) (1) of § 933.4 Regulation by grades and sizes of the order and substitute therefor the following:

(1) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety pursuant to this section, the said committee shall recommend the particular grades and sizes or either thereof deemed by it advisable to be shipped, and any such recommendation may include a proposal that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes

different from the proposed grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (a) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (b) amount on hand at the principal markets, as evidenced by supplies on track; (c) maturity, conditions, and available supply, including the grade and size thereof in the producing areas; (d) other pertinent market information; and (e) the level and trend in consumer income. The Shippers Advisory Committee shall promptly report the recommendations so made, with supporting information, to the Growers Administrative Committee, which committee shall, in turn, submit the same to the Secretary, together with its own recommendations and supporting information respecting the factors hereinbefore enumerated.

3. Delete the provisions in paragraph (c) of § 933.4 of the order and substitute therefor the following:

(c) Regulation by the Secretary. Whenever the Secretary shall find from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety to particular grades and sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods, and any such regulation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of Florida: *Provided*, That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8098; Filed, Aug. 29, 1947;
8:46 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR, Part 550]

STANDARDS FOR AIRPORT RUNWAY DIMENSIONS AND STRENGTH

NOTICE OF HEARING ON PROPOSED POLICY

Notice of informal public hearing to be held at Washington, D. C., commencing September 18th, 1947, on proposed

policy of Civil Aeronautics Administration concerning standards for airport runway dimensions and strength.

Pursuant to the Civil Aeronautics Act of 1938 as amended (52 Stat. 973; 54 Stat. 1233; 49 U. S. C. 401), particularly sections 205, 301, 306, 307, and 308 thereof (49 U. S. C. 425, 451, 456, 457, 458); and the Federal Airport Act (60 Stat. 170; 49 U. S. C. 1101), particularly section 9 (a) thereof (49 U. S. C. 1108), it is proposed to issue a statement of the policy of the Civil Aeronautics Administration with respect to the standards for dimensions and strength of airport runways used for airline operations, to be used as a guide by Civil Aeronautics Administration personnel in their recommendations and advice to the public and in carrying out the Federal-aid Airport Program authorized by said Federal Airport Act. This proposed statement of policy is attached.

Although notice and hearing are not required by section 4 of the Administrative Procedure Act, notice is hereby given that an informal public hearing will be held on the said proposed statement of policy beginning at 9:30 a. m., eastern daylight saving time, on September 18, 1947, in the auditorium of the Department of Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D. C., and continuing through September 19, 1947, unless sooner concluded.

All interested parties and organizations are invited to be present or represented at said hearing and will be afforded an opportunity to be heard within the limitations of the time available. For the accuracy of the record, all important facts and opinions should be submitted in writing as much in advance of the hearing as possible. All those desiring to be heard are requested to register their intention in advance, stating the amount of time desired. It is requested that all organizations desiring to present oral statements, limit their presentation to one spokesman.

Following the opening statement by the Administrator of Civil Aeronautics, the following organizations will first be heard, in the order listed:

Air Transport Association.
National Association of State Aviation Officials.
U. S. Conference of Mayors.
Aircraft Industries Association.
Air Line Pilots Association.
Civil Aeronautics Board.
Army Air Forces.
Bureau of Aeronautics.

All parties will be permitted to file briefs and memoranda subsequent to the

hearing provided same are filed not later than October 1, 1947.

All papers are to be mailed to, or filed with, the Administrator of Civil Aeronautics, Commerce Building, Washington, D. C.

PROPOSED STATEMENT OF POLICY ON RUNWAY STRENGTH AND DIMENSIONAL STANDARDS FOR AIRLINE OPERATIONS

Introduction. In order to obtain better correlation between the design of airports and the design of aircraft which are to be used in air-carrier operations, the design standards contained herein have been developed by the Civil Aeronautics Administration. It is the purpose of this statement of policy to guide employees of the Civil Aeronautics Administration regarding approvals and recommendations for runway design, and to indicate to manufacturers and operators of transport type aircraft the airport runways which will be available. It is expected that airline operators will secure

such equipment and establish such procedures that will permit, in accordance with established Civil Air Regulations, approval of operations from the runways specified herein.

Policy. Pursuant to sections 205, 301, 306, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and section 9 (a) of the Federal Airport Act, it is hereby declared to be the policy of the Civil Aeronautics Administration that airport runways used or designed for airline operations should be constructed to certain standards as to dimensions and strength. To this end, standards are hereby established for the guidance of Civil Aeronautics Administration personnel in their recommendations and advice to the public and in carrying out the Federal-aid Airport Program authorized by the Federal Airport Act, and for the information and guidance of all other persons concerned.

Standards. The following standards are hereby established for dimensions and strength of airport runways used for airline operations:

Type of airport	Runway (feet)		Taxiway (feet width)	Landing strip (feet width)	Maximum pavement ¹ loading (pounds)	
	Length	Width			Single wheel	Dual wheel
Feeder.....	3,500	75-100	40	300	15,000	20,000
Local.....	4,500	100-150	50	400	20,000	40,000
Express.....	6,000	150-200	75	500	30,000	80,000
International.....	7,000	150-200	75	500	40,000	80,000

¹ Runway and taxiway pavement may be eliminated where surface conditions permit satisfactory year-round operations without such paving. Starter strips, warm-up pads and loading aprons may be used in lieu of complete paving where they are substantially equivalent to such paving.

For purposes of this policy, deviations from the runway strengths and dimensions indicated in the above table will be considered as falling within and conforming to the standards of the Civil Aeronautics Administration, if such deviations are approved by the Director, Airport Engineering Service, Office of Airports, Civil Aeronautics Administration, Washington, D. C. In any event, the fact that runways, taxiways and landing strips not conforming to these standards have been constructed at an airport without Federal funds will not disqualify that airport for Federal aid in accomplishing other construction.

The terms and standards set forth in the above table of standards are hereby defined and explained as follows:

(1) **Types of airports.** A "feeder" airport is one designed to serve certificated feeder line airlines; a "local" airport is one used as an intermediate airline stop on an airline trunk route; an "express" airport is one located at an important junction point or terminal on an airline system; an "international" airport is one used as a terminal for long international flights.

(2) **Runway lengths.** The runway lengths shown are established as standards at sea level. Correction in runway length for altitude will be made by adding 250 feet for each 1,000 feet of altitude above sea level. Correction in runway length will also be made when the longitudinal grade exceeds one per

cent. Runway lengths are predicated upon approach clearances of 40-1 for instrument operation and 30-1 for non-instrument operation.

(3) **Maximum pavement loadings.** The runway pavement should be designed to carry satisfactorily the maximum wheel loadings specified in the above table. The gross weight of the aircraft is assumed to be carried by the main landing gear. Where gross weight of aircraft with two sets of dual wheels will exceed the dual wheel pavement loading in the table (160,000 lbs. for express and international airports), the excess load will be transmitted to the pavement by additional units which may be added in tandem or laterally. For the purpose of this policy, these additional units of separate dual wheels will be considered as such when spaced a distance of one foot from the center of the closest unit for each 5,000 lbs.; this means 16 feet between centers of dual wheels carrying 80,000 lbs. per set. Where spacing is less than necessary to consider each unit separately, the additional load which the pavement can carry by reason of duplicate gear will be assumed to be 5,000 lbs. for each foot of distance between centers of adjacent units.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-8076; Filed, Aug. 29, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

AIR-NAVIGATION SITE WITHDRAWAL NO. 141,
ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45

Stat. 729 (U. S. C., Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public land near Fort Bridger, Wyoming, is hereby withdrawn from all forms of appropriation under the public land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities,

as an addition to Air-Navigation Site Withdrawal No. 141 established June 21, 1940:

SIXTH PRINCIPAL MERIDIAN

T. 16 N., R. 115 W.,
Sec. 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 40 acres.

This order shall take precedence over, but shall not modify the order of the

Acting Secretary of the Interior of October 31, 1936 establishing Wyoming Grazing District No. 4, so far as it affects the above-described land.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 22, 1947.

[F. R. Doc. 47-8078; Filed, Aug. 29, 1947;
8:51 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL 145 ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the public lands lying within the following-described boundaries are hereby withdrawn from all forms of appropriation under the public-land laws, for the use of the Department of Commerce as an addition to Air-Navigation Site Withdrawal No. 145 at McGrath, Alaska established and modified by departmental orders of October 1, 1940, November 24, 1941, May 4, 1942, and March 4, 1947:

Beginning at the intersection of the south boundary of Air-Navigation Site 145 enlarged, as defined by Departmental order of May 4, 1942, and the left bank of the Kuskokwim River in approximate latitude 62°56'30" North, longitude 156°38' West, thence,

East, 5,671.38 feet;
South, 2,200.0 feet;
West, 7,125.0 feet to intersection with left bank of Kuskokwim River, thence northeasterly along left bank of Kuskokwim River to point of beginning, containing approximately 350 acres.

This land is subject to a withdrawal for the use of the War Department established by Public Land Order No. 255 of December 15, 1944, so long as the order remains unrevoked.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8079; Filed, Aug. 29, 1947;
8:51 a. m.]

COLORADO

AIR-NAVIGATION SITE WITHDRAWAL 233

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public

land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 233.

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 97 W.,
Sec. 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 11 S., R. 102 W.,
Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 80 acres.

This order shall take precedence over, but shall not modify the orders of the Secretary and Acting Secretary of the Interior dated April 8, 1935 and October 12, 1940, establishing and modifying Colorado Grazing Districts Nos. 3 and 7, so far as they affect the above-described lands.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 18, 1947.

[F. R. Doc. 47-8080; Filed, Aug. 29, 1947;
8:51 a. m.]

NEVADA

AIR-NAVIGATION SITE WITHDRAWAL 234

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 234:

MOUNT DIABLO MERIDIAN

T. 23 N., R. 29 E.,
Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 24 N., R. 31 E.,
Sec. 12, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 20 acres.

This order shall take precedence over, but shall not modify the order of the Acting Secretary of the Interior of November 13, 1941, transferring these and other lands to Nevada Grazing District No. 2, so far as it affects the above-described lands.

It is intended that the public lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 18, 1947.

[F. R. Doc. 47-8081; Filed, Aug. 29, 1947;
8:51 a. m.]

COLORADO

STOCK DRIVEWAY WITHDRAWAL 2, COLORADO 2, ENLARGED

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, amended by the act of June 26, 1936, 49 Stat. 1976 (U. S. C. Title 49, sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, amended by the act of January 29, 1929, 45 Stat. 1144 (U. S. C., Title 43, sec. 300), it is ordered as follows:

The following described public land in Colorado is hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, is withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to Stock Driveway Withdrawal No. 2, Colorado No. 2:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 94 W.,
Sec. 36, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 40 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and such regulations as have been or may be issued thereunder.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8082; Filed, Aug. 29, 1947;
8:50 a. m.]

COLORADO

NOTICE FOR FILING OBJECTIONS TO PROPOSED ORDER ENLARGING STOCK DRIVEWAY WITH- DRAWAL 2, COLORADO 2

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the order withdrawing the NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 36, T. 3 S., R. 94 W., 6th P. M., Colorado, containing 40 acres, for a stock rest and camp site, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8083; Filed, Aug. 29, 1947;
8:48 a. m.]

WYOMING

NOTICE FOR FILING OBJECTIONS TO A PROPOSED ORDER ENLARGING STOCK DRIVEWAY WITHDRAWAL 78, WYOMING 11

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having causes to object to the terms of a proposed order of the Secretary of the Interior, which would add sec. 8, T. 12 N., R. 117 W., 6th P. M., Wyoming to Stock Driveway Withdrawal No. 78, Wyoming No. 11, to be used as a rest and watering place for stock trailing to the Wasatch National Forest, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the withdrawal will be made will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8084; Filed, Aug. 29, 1947;
8:48 a. m.]

NEVADA

MODIFYING GRAZING DISTRICT 5

Under and pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315 et seq.), and subject to the limitations and conditions therein contained, Nevada Grazing District No. 5 is hereby modified by eliminating therefrom the following-described lands:

MOUNT DIABLO MERIDIAN

- T. 19 S., R. 60 E.
T. 20 S., R. 60 E.,
Secs. 1 to 5, secs. 8 to 16, secs. 21 to 28,
and secs. 33 to 36, inclusive.
T. 21 S., R. 60 E.,
Secs. 1 to 4, secs. 9 to 16, and secs. 21 to
26, inclusive;
Secs. 35 and 36.
T. 22 S., R. 60 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 23 S., R. 60 E.,
Sec. 1.
T. 19 S., R. 61 E.,
Secs. 3 to 36, inclusive.
Tps. 20 and 21 S., R. 61 E.
T. 22 S., R. 61 E.,
Secs. 1 to 24 and secs. 28 to 33, inclusive.
T. 23 S., R. 61 E.,
Secs. 4, 5, and 6;
Sec. 8, E½;
Sec. 9;
Sec. 16, N½;
Sec. 17, NE¼.

- T. 19 S., R. 62 E.,
Secs. 7 and 8;
Secs. 17 to 23 and secs. 26 to 35, inclusive.
T. 20 S., R. 62 E.,
Secs. 2 to 11, secs. 14 to 23, and secs. 26 to
35, inclusive.
T. 21 S., R. 62 E.,
Secs. 2 to 11 and secs. 14 to 23, inclusive;
Sec. 25, N½S½, SW¼SW¼, SE¼SE¼;
SW¼NE¼, NW¼NW¼, and S½NW¼;
Secs. 26 to 30, inclusive;
Sec. 31, lots 2, 3, 4, N½NE¼, SE¼NE¼,
NE¼NW¼, E½SW¼, N½SE¼, and SW¼
SE¼;
Sec. 32, N½NW¼, SW¼NW¼, and S½;
Sec. 33, NE¼ and S½;
Sec. 34, NE¼ and NE¼SE¼;
Sec. 35, S½NW¼, NW¼SW¼, E½SW¼
SE¼, and W½SE¼SE¼.
T. 22 S., R. 62 E.,
Sec. 1;
Secs. 5 to 8, inclusive;
Sec. 9, N½, SW¼, NE¼SE¼, and S½SE¼;
Secs. 10 to 19, inclusive.
T. 21 S., R. 63 E.,
Sec. 29, S½;
Sec. 30, lot 3, NE¼SW¼, and N½SE¼;
Sec. 32.
T. 22 S., R. 63 E.,
Secs. 4, 9, and 16.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 22, 1947.

[F. R. Doc. 47-8085; Filed, Aug. 29, 1947;
8:48 a. m.]

[2101377]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY

AUGUST 22, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on October 24, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 24, 1947, to January 22, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead law, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 4, 1947, to October 24, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with

those presented at 10:00 a. m. on October 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m., on January 23, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from January 3, 1948 to January 23, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m., on January 23, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

The lands affected by this notice are described as follows:

FOURTH PRINCIPAL MERIDIAN

- T. 55 N., R. 8 W.
Sec. 23, Lot 2.

The area described aggregates 0.45 acre.

The above-mentioned plat, based upon the plat approved May 26, 1859, represents the survey of an island in section 23 which was not included in the original plat of survey.

Available data indicates that this island has a low elevation above water level and has a clay loam soil supporting a fair stand of birch, fir, spruce, pine and other species of timber with a rather dense undergrowth of brush.

An application for homestead entry may be considered but it is doubtful whether such an application would be allowed in view of the character of the land and the small area involved.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8086; Filed, Aug. 29, 1947;
8:43 a. m.]

NEVADA

AIR-NAVIGATION SITE WITHDRAWAL 235

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public land in Nevada is hereby withdrawn from all forms of appropriation under the public-land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 235:

MOUNT DIABLO MERIDIAN

T. 24 S., R. 58 E.,
Sec. 23, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 20 acres.

This order shall take precedence over, but shall not modify the order of the Acting Secretary of the Interior dated November 3, 1936, establishing Nevada Grazing District No. 5, so far as it affects the above-described land.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,

Under Secretary of the Interior.

AUGUST 18, 1947.

[F. R. Doc. 47-8089; Filed, Aug. 29, 1947;
8:47 a. m.]

ARIZONA

STOCK DRIVEWAY WITHDRAWAL 100, ARIZONA
4, REVOKED

The order of the Secretary of the Interior dated October 2, 1919, establishing Stock Driveway Withdrawal No. 100, Arizona No. 4 under section 10 of the act of December 29, 1916, 39 Stat. 865, 43 U. S. C. sec. 300, embracing the lands described below, is hereby revoked.

GILA AND SALT RIVER MERIDIAN

T. 26 N., R. 4 E.,
Secs. 12 and 24.
T. 27 N., R. 4 E.,
Secs. 12 and 24.
T. 26 N., R. 5 E.,
Secs. 6, 18, and 30.
T. 27 N., R. 5 E.,
Secs. 18 and 30.

The areas described aggregate 5,651.32 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 21, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 21, 1947, to January 19, 1948, inclusive, the public lands affected by this order shall be sub-

ject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 1, 1947, to October 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 21, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 20, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 31, 1947, to January 19, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 20, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Phoenix, Arizona.

The area is rough to broken with a soil composed chiefly of loose sandy clay-loam containing much rock.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8090; Filed, Aug. 29, 1947;
8:47 a. m.]

Office of the Secretary

JACKSON HOLE, WYOMING, AREA

MEMORANDUM REGARDING OIL AND GAS LEASES

Memorandum to: the Director, Bureau of Land Management, and the Director, Geological Survey, from: The Secretary of the Interior.

After conferring with proponents and opponents of oil and gas development in the Jackson Hole area of northwestern Wyoming, I have concluded that unit plans may be approved, oil and gas leases issued, and drilling authorized on lands in the Teton National Forest south of the 11th standard parallel, exclusive of lands lying within the Teton Wilderness Area south of said parallel, subject to the following conditions:

(1) No unit plan will be approved unless the Geological Survey reports that the structural conditions are such as to warrant the belief that the lands included therein may contain oil or gas. Prior to such approval, copies of the proposed unit plan will be submitted to all interested agencies of this Department, as well as to the Forest Service, Department of Agriculture, for recommendations as to stipulations or conditions which it is felt should be incorporated into that plan.

(2) Prospecting and development under an approved unit plan shall not be permitted until all lands within the area are made subject to the unit plan unless a determination shall be made by the Secretary or his representative that the unit operator has made every reasonable effort to unitize all lands and the uncommitted land is insufficient in amount or so located that the orderly development of the unit area will not be adversely affected. If any part of the geological structure is located on Federal lands which are within the Jackson Hole National Monument, the Teton Wilderness Area, or which are otherwise unavailable for leasing, a unit plan for the remaining available acreage on the structure will not be approved unless the Geological Survey reports that oil or gas development, limited to the available lands, is in the best interests of the United States.

(3) All leases shall provide that no drilling will be authorized except under an approved unit plan.

(4) All leases and all unit plans for lands within the area must contain a provision vesting in the Secretary of the Interior, or his duly authorized representatives, control over the rate of prospecting and development, including, in particular, the spacing of wells and such other conditions as may be deemed necessary in any case for the protection of

the wildlife or scenic values within the area.

The lands north of the area defined herein shall continue to be temporarily withheld from leasing under the oil and gas provisions of the Mineral Leasing Act, unless the lands in T. 45 N., R. 113 W., 6th. P. M., Wyoming outside the Jackson Hole National Monument and outside the Teton Wilderness Area are deemed necessary to establish or complete a logical unit area.

J. A. KRUG,
Secretary of the Interior.

AUGUST 15, 1947.

[F. R. Doc. 47-8091; Filed, Aug. 29, 1947;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1509]

WILLIAM H. AND JOHN M. TAYLOR

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 25th day of August 1947.

William H. Taylor and John M. Taylor having filed an application pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder regarding the following transaction:

William H. Taylor and John M. Taylor each propose to acquire the capital stock of Allied Gas Company ("Allied") distributable to them pursuant to the terms of the section 11 (e) plan of dissolution of Great Lakes Utilities Company ("Great Lakes"), formerly a registered holding company, which plan was approved by this Commission and the District Court of the United States for the Eastern District of Pennsylvania on March 19, 1947, and March 25, 1947, respectively.

Allied is a public utility company and, just prior to the dissolution of Great Lakes, was Great Lakes' only remaining subsidiary. The aforementioned section 11 (e) plan of Great Lakes provides, among other things, that Great Lakes will distribute all of the outstanding capital stock of Allied, consisting of 10,052 shares of such stock with a par value of \$10 per share, to the holders of the outstanding Voting Trust Certificates for common stock of Great Lakes, in exchange for such Voting Trust Certificates on the basis of one share of the common stock of Allied for each 15 shares of common stock of Great Lakes.

Allied, an Illinois corporation, distributes propane-air gas to approximately 1,507 customers in its Paxton Division, which serves the communities of Paxton, Gibson City and Rantoul, Illinois, and distributes manufactured gas to approximately 1,253 customers in Rochelle, Illinois.

The filing indicates that the applicants, William H. Taylor and John M. Taylor, own both direct and indirect interests in Voting Trust Certificates for common stock of Great Lakes. Their

direct interest consists of Certificates for 50,286 and 1,095 shares, respectively, of a total of 150,780 shares of common stock of Great Lakes formerly outstanding. Their indirect interest is derived through Taylor Fibre Company which owns Certificates for 19,826 shares of common stock of Great Lakes or about 13% of the total number of shares of such stock formerly outstanding. According to the filing, William H. Taylor and John M. Taylor own, respectively, 1,887 and 1,770 shares or 27.4% and 25.7%, respectively, of a total of 6,886 shares presently outstanding of the capital stock of Taylor Fibre Company.

The filing further indicates that Taylor Fibre Company, a Pennsylvania corporation which is not registered as a holding company, is primarily engaged in the manufacture and sale of fibre, fibrous materials, bakelite and bakelite materials, and that it also owns and operates farm lands, orchards and real estate, and sells, buys, invests and reinvests its surplus funds in stocks and other securities. In addition, the filing indicates that Taylor Fibre Company does not directly or indirectly own, control or hold with power to vote as much as five percent of the outstanding voting securities of any public utility company or public utility holding company other than Great Lakes and Allied.

Said application having been filed on April 18, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants having requested that the Commission take appropriate action to accelerate its order herein and that the order become effective immediately upon issuance; and

The Commission finding with respect to the application that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted and deeming it appropriate to grant the request to the applicants that the order become effective immediately upon issuance;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and the rules thereunder and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is, granted forthwith: *Provided, however,* That this order shall not be construed as deciding the question whether it may be necessary or appropriate, pursuant to section 2 (a) (7) (B) of the act, to determine the applicants to be a holding company: *And provided further,* That, in the event the applicants should be determined to be a holding company, this order shall not be construed as a determination of the retainability, under the standards of section 11 (b) (1) of the act, of any securities or

properties then held or controlled by them.

By the Commission.

[SEAL] NELLIE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8101; Filed, Aug. 29, 1947;
8:47 a. m.]

[File No. 70-1581]

NEW ENGLAND GAS AND ELECTRIC ASSN.
AND PLYMOUTH COUNTY ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 22d day of August 1947.

New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, Plymouth County Electric Company ("Plymouth"), having filed a joint application pursuant to section 6 (b) and 10 of the Public Utility Holding Company Act of 1936 with respect to the following transactions:

Plymouth, all of whose common stock is owned by its parent, New England, proposes to issue and sell to New England 1,800 additional shares of its common stock, of the par value of \$25 per share, at a price of \$35. per share, or an aggregate of \$63,000. The proceeds from the sale of this stock are to be applied in partial payment of Plymouth's floating indebtedness incurred for additions and improvements to its plant and properties and represented by outstanding bank notes in the aggregate amount of \$82,750, all of such notes maturing August 28, 1947; and

Plymouth further proposes, in order to provide itself with funds as the same may be required from time to time to enable it to pay for necessary additions and betterments to its plant and property, to issue promissory notes to The First National Bank of Boston in amounts not to exceed in the aggregate \$700,000, all of such notes to be issued and dated prior to December 31, 1949, and to mature not later than June 30, 1952. All of such notes issued during the remainder of 1947 and during 1948 will bear interest at the rate of 2 1/4% per annum; and those issued during 1949 will bear interest at the rate of 2 1/2% per annum; and

The proposed issue and sale of securities having been approved by the Department of Public Utilities of the State of Massachusetts, the State in which Plymouth was organized and is doing business; and

The joint application having been filed on July 31, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the joint application that the requirements of the applicable provisions of the act and rules thereunder are satisfied,

and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application be granted, and, further deeming it appropriate to grant the request of the applicants that the order become effective at the earliest date practicable;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application be, and the same hereby is, granted and the proposed transactions may be consummated forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8102; Filed, Aug. 29, 1947;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8494, Amdt.]

AUGUST THYSSSEN, JR.

In re: Debenture stock, bonds and gold notes owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of August Thyssen, Jr., deceased.

Vesting Order 8494, dated March 20, 1947, is hereby amended as follows and not otherwise:

By deleting clauses a, b and c from subparagraph 2 of said Vesting Order and substituting therefor the following:

a. Ten (10) certificates for Canadian Pacific Railway Company perpetual 4% consolidated debenture stock issued in the name of bearer, each of \$1,000 face value, bearing the numbers G35011/15, G21606, G32536, G7187, G11736 and G17154, and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto.

b. Five (5) International Telephone and Telegraph Corporation 4½% debenture bonds, due 1952, issued in the name of bearer, each of \$1,000 face value, bearing the numbers M29055/8 and M34066, and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto.

c. Eight (8) Hugo Stinnes Corporation 7% gold notes, due July 1, 1940, issued in the name of bearer, each of \$1,000 face value, bearing the numbers M2911, M4766/8, M7175/7 and M9237, and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto.

All other provisions of said Vesting Order 8494 and all actions taken by or on

behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 13, 1947:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 47-8111; Filed, Aug. 29, 1947;
8:48 a. m.]

[Vesting Order 9155, Amdt.]

K. FUKUSHIMA

In re: Bank account, stock owned by and debt owing to K. Fukushima, also known as Kisoji Fukushima, and Mrs. K. Fukushima.

Vesting Order 9155, dated May 29, 1947, is hereby amended as follows and not otherwise: By deleting from subparagraph 3 (c), the no par value set forth with respect to the common capital stock of Anaconda Copper Mining Company, 25 Broadway, New York 4, New York, and substituting therefor the par value of \$50.00.

All other provisions of said Vesting Order 9155 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., August 13, 1947:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 47-8112; Filed, Aug. 29, 1947;
8:49 a. m.]

[Vesting Order 9672]

MARIA BARAN

In re: Estate of Maria Baran, deceased. File D-28-11820; E. T. sec. 16021.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Becker, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Maria Baran, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles A. White, as Administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court of Erie County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 47-8105; Filed, Aug. 29, 1947;
8:48 a. m.]

[Vesting Order 9673]

RUDOLF BLASCHKA

In re: Estate of Rudolf Blaschka, deceased. File No. D-28-11679; E. T. sec. 15879.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Blaschka, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Rudolf Blaschka, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Francis G. Goodale, as executor, acting under the judicial supervision of the Probate Court, Middlesex County, Cambridge, Massachusetts;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8106; Filed, Aug. 29, 1947;
8:48 a. m.]

[Vesting Order 9692]

BERNHARD THEODOR VIERICH

In re: Estate of Bernhard Theodor Vierich, also known as Bernhard Theodore Vierich, deceased. File D-28-4129; E. T. sec. 7113.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Vierich, Mrs. Adolf Vierich, Theodor Vierich, also known as Theodore Vierich, Mrs. Theodor Vierich, also known as Theodore Vierich, Fritz Vierich, Mrs. Fritz Vierich, Rudolf Vierich, Mrs. Rudolf Vierich, Helene Huber, Bernhard Vierich, also known as Bernhard Vierich, Mrs. Bernhard Vierich, also known as Bernard Vierich, Addi Stahlmann, Emmi Duncker, and Else Liebig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Adolf Vierich, Theodor Vierich, Fritz Vierich, Rudolf Vierich, Helene Huber, Bernhard Vierich, and Addi Stahlmann, and husband of Helene Huber and husband of Addi Stahlmann, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Bernhard Theodor Vierich, also known as Bernhard Theodore Vierich, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Trust Company of New Jersey, as executor, acting under the judicial supervision of the Hudson County Orphans' Court, State of New Jersey;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the children, names unknown, of Adolf Vierich, Theodor Vierich, Fritz Vierich, Rudolf Vierich, Helene Huber, Bernhard Vierich, and Addi Stahlmann, and husband of Helene Huber and husband of Addi Stahlmann, names unknown, are not within a designated enemy country,

the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8110; Filed, Aug. 29, 1947;
8:48 a. m.]

[Vesting Order 9683]

GEORGE KLANOVICS

In re: Estate of George Klanovics, deceased. File D-34-893; E. T. sec. 15028.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kate Sustrovics, Louise Klanovics, Geza Klanovics, Gyoza Klanovics, Fery Klanovics, Janka Klanovics, Karoly Klanovics, Bela Klanovics and Gizella Klanovics, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of George Klanovics, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by John C. Glenn, Public Administrator of Queens County, as Administrator c. t. a., acting under the judicial supervision of the Surrogate's Court, Queens County, New York; and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property

described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8107; Filed, Aug. 29, 1947;
8:48 a. m.]

[Vesting Order 9684]

JOHN KOSTER

In re: Estate of John Koster, deceased. File No. F-28-26763; E. T. sec. 15894.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Koster, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of John Koster, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by George Staa, as Administrator, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8108; Filed, Aug. 29, 1947;
8:48 a. m.]